Chapter 173-180 WAC

FACILITY OIL HANDLING STANDARDS

PART A: GENERAL REQUIREMENTS

NEW SECTION

WAC 173-180-010 Applicability of this chapter. The requirements in this chapter apply to oil transfer operations involving any nonrecreational vessel regardless of size at the following classes of facilities:

(1) Class 1 facilities (as defined in WAC 173-180-025(7)).
(2) Class 2 facilities (as defined in WAC 173-180-025 (8)).
(3) Class 3 facilities (as defined in WAC 173-180-025 (9)).
(4) Class 4 facilities (as defined in WAC 173-180-025 (10)).

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NEW SECTION

WAC 173-180-015 Purpose. This chapter establishes minimum standards for safe oil transfer operations to meet a zero spill goal established by the legislature. This chapter emphasizes:

(1) Using a scaled approach to protect people and the

environment;

(2) Preventing oil spills from occurring and emphasizing that oil spill prevention is the top priority strategy for reaching the legislature's goal of zero spills;

(3) Providing improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors, human errors, improper oil-handling equipment design and operations;

(4) Minimizing the size and impacts of those oil spills which do occur; and

(5) Facilitating coordination of local, state, regional, tribal, and other prevention and contingency plans.

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NEW SECTION

WAC 173-180-020 Authority. The legislature granted ecology the authority to adopt these rules under the following statutes:

(1) RCW 88.46.160 provides statutory authority for regulating the transfer of oil on or over waters of the state.

(2) RCW 90.56.220 provides statutory authority for developing operations and design standards and implementing a compliance program established by this chapter.

(3) RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.

(4) RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.

(5) RCW 90.56.200, 90.56.300 and 90.56.310 provide statutory authority for the prevention plan preparation and review requirements established by this chapter.

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NEW SECTION

WAC 173-180-025 Definitions. (1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. The director's determination of best achievable protection must be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures, the technological achievability of the measures, and the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration: Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and processes that are currently in use. In determining what best achievable technology is, the director must consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Boom" means flotation boom or other effective barrier containment material suitable for containment of oil discharged onto the surface of the water.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(6) "Certification" means the documentation that a facility employee has met all requirements of an oil transfer training and certification program that meets the requirements of this chapter.

(7) "Class 1 facility" means a facility as defined in RCW 90.56.010 as:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt

agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Class 2 facility" means a facility as defined in RCW 90.56.010 and is rolling stock such as a truck, railcar, or other mobile device used to transfer oil to a nonrecreational vessel.

(9) "Class 3 facility" means a facility that:

(a) Transfers to a nonrecreational vessel with a capacity to hold ten thousand five hundred or more gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oils;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter 90.76 RCW; or a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(10) "Class 4 facility" or "marine fueling outlet" means a facility that:

(a) Transfers to a nonrecreational vessel with a capacity to hold less than ten thousand five hundred gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oil;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter 90.76 RCW; or a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(11) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(12) "Director" means the director of the department of ecology.

(13) "Directly impact" means without treatment.

(14) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping regardless of quantity.

(15) "Ecology" means the department of ecology.

(16) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations (CFR), Part 69.

(17) "Innage" means the difference from the surface of the liquid to the tank bottom.

(18) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(19) "Nonrecreational vessel" means any vessel that is not a recreational vessel as defined in this section.

(20) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR Part 302 adopted August 14, 1989, under section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(21) "Oil transfer" means a transfer of oil in bulk on or over waters of the state.

(22) "Offshore facility" means any Class 1 facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(23) "Onshore facility" means any Class 1 facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(24) "Owner or operator" means:

(a) In the case of a vessel, a person who owns, operates, or charters by demise, a vessel;

(b) In the case of an onshore or offshore facility, a person who owns or operates this type of facility;

(c) In the case of an abandoned vessel or abandoned onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment; and

(d) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(25) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(26) "Personnel" means individuals employed by, or under contract with a facility or vessel.

(27) "Person in charge" or "PIC" means a person qualified and designated as required under 33 CFR 155, for vessels, 33 CFR 154 for Class 1, 2, or 3 facilities, or the person with overall responsibility for oil transfer operations if not otherwise designated.

(28) "Process pipelines" means a pipeline used to carry oil within the oil refining/processing units of a Class 1 facility, process unit to tankage piping and tankage interconnecting piping. Process pipelines do not include pipelines used to transport oil to or from a tank vessel or transmission pipeline.

(29) "Recreational vessel" means a vessel operated for pleasure, which when leased, rented, or chartered to another is used for pleasure.

(30) "Secondary containment" means containment systems, which prevent the discharge of oil from reaching the waters of the state.

(31) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(32) "Spill" means an unauthorized discharge of oil into the waters of the state.

(33) "State" means the state of Washington.

(34) "Storage tank" means all aboveground containers connected to transfer pipelines or any aboveground containers greater than ten thousand gallons (two hundred thirty-eight barrels), including storage and surge tanks, used to store bulk quantities of oil. Storage tanks do not include those tanks regulated by chapter 90.76 RCW, rolling stock, wastewater treatment equipment, process pressurized vessels or other tanks used in the process flow through portions of the facility.

(35) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(36) "Transmission pipeline" means an interstate or intrastate pipeline subject to regulation by the United States Department of Transportation under 49 CFR 195 in effect on the effective date of this section, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

(37) "Transfer pipeline" is a buried or aboveground pipeline used to carry oil to or from a tank vessel or transmission pipeline, or to a vessel and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis by ecology.

(38) "Topping off" means the receipt of oil into the last ten percent of available tank capacity in any tank.

(39) "Ullage" means the depth of space above the free surface of the liquid to the reference datum of that tank.

(40) "Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

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NEW SECTION

WAC 173-180-030 Compliance with federal rule or law. (1) Any person with oil handling and transfer duties must comply with applicable provisions of federal law and regulation governing licensing and documentation, equipment, operations and oil transfers.

(2) The following Code of Federal Regulations (CFR) in effect on the effective date of this section are incorporated by reference:

(a) 33 CFR 156.120, 33 CFR 156.150, 33 CFR 156.170;

(b) 33 CFR 154.300, 154.310, 154.570, 154.710, 154.1050, 154.1055, and Subpart F;

(c) 40 CFR 112; and

(d) 49 CFR 195.

(3) All federal regulations incorporated in this chapter are available through the National Archive and Records Administration web site located here: http://www.gpoaccess.gov/cfr/index.html.

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NEW SECTION

WAC 173-180-035 Inspections. (1) Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410 and chapter 88.46 RCW.

(2) During inspections, ecology may ask for the following:

(a) Provide proof of compliance by producing all required records and documents;

(b) Demonstrate the ability to meet the spill prevention equipment and procedures of this chapter;

(c) Demonstrate the ability to meet the transfer containment and recovery standards in WAC 173-180-220; and

(d) Provide proof of training and certification, if applicable.

(3) Ecology may provide a preliminary inspection report to the owner and operator at the conclusion of the inspection.

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NEW SECTION

WAC 173-180-040 Recordkeeping. (1) Records required by this section must be maintained and available to ecology for a minimum of three years, except for the following:

(a) Preload plans and declaration of inspection (DOI) kept for at least thirty days from date of the oil transfer operation.

(b) The design, construction, and repair records for storage tanks, pipelines, and all oil transfer equipment testing and repair records kept for the life of the equipment.

(c) Oil transfer personnel training and certification records for Class 1 and 2 facilities kept for five years from the date the persons were certified.

(2) All records required in this chapter must be available to ecology for photocopying upon request.

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NEW SECTION

WAC 173-180-045 Threat of a spill. (1) Ecology may determine that immediate action is necessary to suspend or delay transfer operations if there is a condition posing a substantial threat of discharge of oil on or over waters of the state, or harm to public health and safety, or both.

(2) Ecology may:

(a) Issue an administrative order that may require immediate suspension of oil transfers;

(b) Specify each condition requiring immediate action to eliminate the condition; and

(c) Notify the PICs that oil transfers may resume once ecology is satisfied the threat is no longer substantial.

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NEW SECTION

WAC 173-180-050 Oil spills. (1) Personnel involved with the oil transfer must immediately stop an oil transfer operation whenever oil could originate from the current oil transfer operation and is:

(a) Observed in the water or on the shoreline adjoining the transfer area;

(b) Discharged into oil spill containment or on the deck; or

(c) Spilled into the water or onto the shoreline adjoining the transfer area.

(2) The deliverer must immediately stop the oil transfer at the request of any person on the receiving vessel.

(3) The PICs must make notifications as required in RCW 90.56.280.

(4) Before the oil transfer operation may resume:

(a) The source of the spill is controlled, contained, and a proper response is underway;

(b) The PICs must agree there is no significant threat to waters of the state or public health; and

(c) The PICs must receive approval from the state on-scene coordinator in coordination with the federal On-Scene Coordinator.

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NEW SECTION

WAC 173-180-055 Work hours. (1) Personnel with oil transfer duties may not work more than sixteen hours in any twenty-four-hour period nor more than thirty-eight hours in any seventy-two-hour period except in an emergency or spill response operation. For purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

(2) The owner or operator of a Class 1, 2, or 3 facility must maintain records such as maintenance records or payroll records demonstrating compliance with work hour restrictions.

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NEW SECTION

WAC 173-180-060 Personnel qualifications. (1) The owner or operator of a Class 1, 2, or 3 facility must designate, in writing, a PIC who has completed a training and certification program established by the operator and approved under Part E of this chapter. The designated PIC must supervise all oil transfer operations.

(2) All personnel assigned duties related to an oil transfer operation must be qualified to perform those duties as required by federal law or rule, or both.

(3) Each PIC must carry or have readily available evidence of designation as a PIC when engaged in an oil transfer operation.

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NEW SECTION

WAC 173-180-065 Noncompliance. Any violation of this chapter may be subject to enforcement and penalty sanctions of chapters 90.56, 90.48, and 88.46 RCW.

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NEW SECTION

WAC 173-180-070 Alternative compliance. (1) Any owner or operator may submit a proposal for alternative compliance for requirements in WAC 173-180-220 Transfer containment and recovery standards.

(a) Rate A deliverers may only submit an alternative compliance proposal for alternative measures in WAC 173-180-220(6).

(b) Rate B deliverers may only submit an alternative compliance proposal for alternative measures in WAC 173-180-220(8).

(2) The proposal must contain the following and in the order presented:

(a) Cover sheet with name of company seeking alternative compliance and point of contact information;

(b) Table of contents including supporting documents and appendices;

(c) Executive summary of the alternative proposal;

(d) A detailed description of the alternative proposal that includes, when appropriate, the equipment, personnel, operating procedures, and maintenance systems and any other alternatives that are being proposed;

(e) A detailed analysis of how the proposal offers equivalent or greater protection, prevention, and response measures as compared to the requirement in this chapter that includes:

(i) Methodology of the analysis;

(ii) Detailed results with supporting data, references, graphs, tables, pictures, and other relevant information;

(iii) Technical feasibility of proposal versus current requirements;

(iv) Cost analysis of proposal versus current requirements.

(3) The owner or operator must submit the alternative compliance proposal to ecology at least one hundred twenty calendar days before planned operation under the section.

(4) Ecology will make the proposal available for a thirty-day public review and comment period.

(5) Ecology may request additional information regarding any aspect of the proposal such as site-specific meteorological, water current velocity, and other monitoring data to support the proposal.

(6) Ecology will respond to the owner or operator within ninety days of receipt of the proposal with a letter approving, conditionally approving, or disapproving the proposal.

(7) The approval will be valid for no more than two years from the date on the letter.

(8) Ecology may reconsider an approval, or conditional approval, at any time after a response to a significant oil spill by the company at the approved site.

(9) Ecology may approve the alternative compliance proposal if, based upon the documents submitted and other information available to the agency, it finds that:

(a) The alternative compliance proposal is complete and accurate; and

(b) The alternative compliance proposal would provide an equivalent or greater level of environmental protection in terms of spill prevention, preparedness, and response when compared with conventional compliance equipment, personnel, operating procedures, and maintenance systems.

(10) The owner or operator must submit one paper copy and one electronic copy of the proposal to ecology.

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Alternative Compliance Review
P.O. Box 47600
Olympia, WA 98504-7600
Or
The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Alternative Compliance Review
300 Desmond Drive
Lacey, WA 98503

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NEW SECTION

WAC 173-180-075 Severability. If any provision of this chapter is held invalid, the remainder of this chapter is not affected.

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PART B: OIL TRANSFER REQUIREMENTS

NEW SECTION

WAC 173-180-200 Applicability of Part B. (1) Part B applies to Class 1, 2, 3, and 4 facilities.

(2) Requirements for Class 1, 2, and 3 facilities are found in WAC 173-180-205 and 173-180-215 through 173-180-250.

(3) Requirements for Class 4 facilities are found in WAC 173-180-205 and 173-180-210.

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NEW SECTION

WAC 173-180-205 Oil transfer equipment at Class 1, 2, 3, and 4 facilities. (1) All hoses or piping used in an oil transfer operation must meet the following criteria:

(a) Hoses or piping must be supported so as to avoid crushing or excessive strain. Flanges, joints, hoses, and piping must be visually checked prior to the transfer for cracks and signs of leakage.

(b) All hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on any component of the oil transfer equipment.

(c) Each hose must have no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil or hazardous material through the hose material and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement ("reinforcement" means the strength members of the hose, consisting of fabric, cord and/or metal).

(d) Hoses or piping must not be permitted to chafe on the dock or vessel or be in contact with any source that might affect the integrity of the hoses.

(e) Hose ends must be blanked tightly when hoses are moved into position for connection, also immediately after they are disconnected, and residue drained either into the vessel tanks or into suitable shore receptacles before they are moved away from their connections.

(2) Testing of all oil transfer equipment, including, but not limited to, pumps, valves, piping, manifolds, connections, and hoses, must be done annually, and must be conducted by using one of the following methods:

(a) In accordance with manufacturers' recommendations and industrial standards; or

(b) Procedures identified in 33 CFR 156.170.

(3) All records of tests and repairs must be kept and made available to ecology for the life of the equipment.

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NEW SECTION

WAC 173-180-210 Requirements for Class 4 facilities only. (1) **Response and recovery equipment:** The owner or operator of each Class 4 facility must ensure that cleanup of at least a twenty-five gallon spill can occur by having all of the following:

Response and recovery equipment maintained in a standby condition and available to the receiving vessel:

(a) Sufficient and appropriate boom of no less than two hundred feet available in the standby position;

(b) Oil spill sorbent materials appropriate for use in water and on land;

(c) Nonsparking hand scoops, shovels, and buckets;

(d) Containers suitable for holding the recovered oil and oily

water; and

(e) Protective clothing and other appropriate personal protective gear necessary to safely respond to oil spills.

(2) **Trained personnel:** The owner or operator of each Class 4 facility must:

(a) Provide annual training for employees involved in an oil transfer operation, that at a minimum includes:

(i) Dangers and safe practices regarding the petroleum products transferred at that location;

(ii) Safe and effective use and handling of response and recovery equipment; and

(iii) Spill notification procedures.

(b) The facility must train all employees with oil transfer duties within ninety calendar days of the date of hire.

(c) No employee may be in charge of an oil transfer operation at the Class 4 facility without proper training.

(d) Keep a record of oil transfer training at the facility and make the record available to ecology upon request.

(3) **Spill notification information:** The owner or operator of each Class 4 facility must provide spill notification information on a wallet-sized card for each employee and posted at the dock for fueling customers. The notification information must include:

(a) Required notifications in RCW 90.56.280;

(b) A phone number for a spill response contractor; and

(c) If the Class 4 facility is not always staffed, a twenty-four-hour phone number where someone designated by the owner or operator of the facility can be reached to start the spill response. The contact phone number must be posted on the dock or transfer site in a location that is easy to see.

(4) The owner or operator of each Class 4 facility must ensure all oil transfer equipment is properly inspected and maintained in accordance with WAC 173-180-205.

(5) Class 4 facilities, also known as marine fueling outlets, that are transferring less than three thousand gallons of oil in a single transaction, are exempt from advance notice requirements for oil transfer operations as described in RCW 88.46.160.

(6) **Semiannual reporting:** Class 4 facilities must report all bulk oil transfers conducted at the facility.

(a) The report must include types of oil transferred and total volume of transfers by oil type.

(b) The facility must submit the report to ecology by January 15 and July 15 of each year.

(c) The facility must submit the report either by e-mail or by U.S. mail to the following address:

E-mail: oiltransfernotifications@ecy.wa.gov

U.S. mail:

Department of Ecology

Spill Prevention, Preparedness, and Response Program

P.O. Box 47600

Olympia, WA 98504-7600

(7) **Compliance schedule:** Class 4 facilities must implement the requirements in subsections (1) and (2) of this section within

ninety calendar days from the effective date of this chapter. Class 4 facilities must implement the remaining requirements on the effective date of this section.

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NEW SECTION

WAC 173-180-215 Advance notice of transfer for Class 1, 2, and 3 facilities. (1) The delivering facility involved in an oil transfer must notify ecology at least twenty-four hours prior to an oil transfer operation; except: If the deliverer cannot meet the notification requirements in this section, notice must be provided as soon as possible.

(2) The notice of transfer must be submitted to ecology on the "Advanced Notice of Transfer" form provided by ecology or a facsimile, and must contain the following information in the order provided:

(a) Company name, address, contact person and telephone number of organization delivering the oil;

(b) Date of transfer operation, estimated starting time, and duration of the oil transfer operation;

(c) Name of delivering facility and receiving vessel involved in the oil transfer including LR/IMO or official number if available;

(d) City name and either the address or location/anchorage where the oil transfer operation will occur;

(e) Oil product type and quantity in gallons; and

(f) Whether or not prebooming will take place? (yes or no).

(3) Notification may be made by the deliverer's agent or other contracted representative.

(4) The notification form may be submitted via internet web site established by ecology, e-mail, or facsimile. The notification form and contact information is found on ecology's web site: http://www.ecy.wa.gov/programs/spills/spills.html

(5) Compliance schedule: All Class 1, 2, and 3 facilities must begin submitting advance notice within thirty calendar days of the effective date of this chapter.

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NEW SECTION

WAC 173-180-220 Transfer containment and recovery standards. This section applies to all oil transfers involving all jet fuels, diesels, heating oils, and any other oils that are recoverable when spilled to water. This section does not apply to vessels or facilities delivering gasoline, aviation gasoline, and other highly volatile products with similar characteristics.

(1) All persons delivering oil to nonrecreational vessels over waters of the state must comply with the following requirements:

(a) There are two rates for oil transfer containment and recovery standards. The deliverer must determine which rate is appropriate for each oil transfer operation they conduct.

(i) Rate A: Oil transfer operations at a rate over five hundred gallons per minute; and

(ii) Rate B: Oil transfer operations at a rate of five hundred gallons per minute or less.

(b) Rate A oil transfers must preboom when it is safe and effective to do so. When prebooming is not safe and effective, the deliverer must meet the alternative measures in subsection (6) of this section. Prebooming requirements are found in subsection (5) of this section.

(c) Rate B oil transfer operations must choose one of the following:

(i) Preboom when safe and effective (subsection (7) of this section); or

(ii) Alternative measures (subsection (8) of this section).

(d) All boom and associated equipment, including the equipment used to deploy the boom, must be of the appropriate size and design based on the manufacturers' specifications for the environmental conditions of the transfer area.

(e) For the purposes of this section, the deliverer must be able to quickly disconnect all boom in the event of an emergency.

(f) If multiple oil transfers are occurring with a single vessel and one product transferred is not appropriate to preboom, then the entire transfer must meet the alternative measures.

(2) Determination of safe and effective: The Rate A deliverer must determine when it is not safe and effective to meet the "Rate A prebooming requirements" in subsection (5) of this section, either prior to starting a transfer or during a transfer. To make this determination the deliverer must:

(a) Class 1 and Class 2 facilities must refer to the facility's operation manual safe and effective threshold values;

(b) Consider personnel safety, wind, sea state, current velocity, or other environmental conditions that would prevent the safe and effective use of boom.

(3) Rate A deliverers are required to report to ecology when

the deliverer determines it is not safe and effective to preboom. The *Ecology Boom Reporting Form* publication may be submitted by e-mail or facsimile. The report must be submitted prior to the oil transfer or when conditions develop which require removal of the boom.

(4) Compliance schedule:

(a) Any class facility conducting Rate A transfers must meet all the requirements in this section except subsection (5) of this section within ninety calendar days from the effective date of this chapter. All Rate A transfers must meet the requirements of subsection (5) of this section within one hundred eighty calendar days from the effective date of the chapter.

(b) Any class facility conducting Rate B transfers must meet all the requirements of this section within ninety calendar days from the effective date of this chapter.

(5) Rate A prebooming requirements.

(a) Prior to starting the oil transfer operation the deliverer must:

(i) Have access to boom four times the length of the largest vessel at the transfer location.

(ii) Deploy boom, identified in (a)(i) of this subsection, sufficient to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil may spill into the water that provides for maximum containment of spilled oil.

(iii) Deploy the boom with a minimum stand-off of five feet away from the sides of a vessel. This stand-off may be modified for short durations needed to meet a facility or ship's operational needs.

(iv) Check the boom positioning periodically and adjust the boom as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events.

(v) Have personnel trained in the proper use and maintenance of boom and recovery equipment.

(vi) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land.

(b) Within one hour of being made aware of a spill the deliverer must be able to complete deployment of the remaining boom (identified in (a)(i) of this subsection) for containment, protection or recovery.

(6) Rate A alternative measures:

(a) Rate A deliverers may only use these alternative measures when it is not safe and effective to meet the prebooming requirements in subsection (5) of this section.

(b) Prior to starting the oil transfer operation the deliverer must:

(i) Have access to boom four times the length of the largest vessel at the transfer location.

(ii) Give their primary response contractor advance notice of the transfer including the location, duration and product type.

(iii) Have the ability to safely track the spill in the dark if the oil transfer operation occurs during low light conditions. The tracking system must be on scene within thirty minutes of being made aware of a spill.

(iv) Have personnel trained in the proper use and maintenance of boom and recovery equipment.

(v) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land.

(c) Within one hour of being made aware of a spill the deliverer must be able to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil is most effectively contained in the event of a spill.

(d) Within two hours of being made aware of a spill, the deliverer must have all of the following:

(i) Additional boom four times the length of the largest vessel at the transfer location available for containment, protection, or recovery; and

(ii) A skimming system must be available on-site. The skimming system must be in stand-by status and be capable of fifty barrels recovery and one hundred barrels of storage.

(7) Rate B prebooming requirements:

(a) A deliverer transferring at Rate B may choose to meet the prebooming requirements in this subsection or the alternative measure requirements in subsection (8) of this section.

(b) Prior to starting the oil transfer operation the deliverer must:

(i) Deploy boom that completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil may spill into the water that provides for maximum containment of spilled oil;

(ii) Deploy the boom with a minimum stand-off of five feet away from the sides of a vessel. This stand-off may be modified for short durations needed to meet a facility or ship's operational needs;

(iii) Check boom positioning periodically and adjust the boom as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events;

(iv) Have personnel trained in the proper use and maintenance of boom and recovery equipment; and

(v) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily

water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land.

(vi) Within one hour of being made aware of a spill, the deliverer must be able to completely deploy an additional five hundred feet of boom. This boom may be used for containment, recovery, or protection.

(8) Rate B alternative measures:

(a) Prior to starting the oil transfer operation the deliverer must:

(i) Have access to boom sufficient to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation or the portion of the vessel and transfer area where oil may spill into the water that provides for maximum containment of oil from the transfer containment.

(ii) Have personnel trained in the proper use and maintenance of boom and recovery equipment.

(iii) Have the following recovery equipment available on-site:

(A) Containers suitable for holding the recovered oil and oily water;

(B) Nonsparking hand scoops, shovels, and buckets; and

(C) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land.

(b) Within one hour of being made aware of a spill the deliverer must be able to complete deployment of an additional five hundred feet of boom for containment, protection or recovery.

(c) Within two hours of being made aware of a spill, the deliverer must have an additional five hundred feet of boom available on-scene for containment, protection, or recovery.

[]

NEW SECTION

WAC 173-180-225 Providing safe vessel access. (1) A receiving vessel must have an accommodation ladder in place to use for access between the receiving and delivering vessel, or between the receiving vessel and facility.

(2) If the delivering vessel determines that the ladder is inaccessible or unsafe, another means of access must be provided that meets the standards established in the International Convention for the Safety of Life at Sea, 1974, as consolidated in

1986 (SOLAS).

(3) If the vessel master or PIC determines access is not safe due to winds, sea state, currents or other environmental conditions, the master or PIC may allow communication by radio or by other means described in WAC 317-40-125.

(4) The entire ladder and the portion of the ship's deck where access is provided must be illuminated during low light situations and without glare to the persons using the ladder.

[]

NEW SECTION

WAC 173-180-230 Preloading or cargo transfer plan requirement. (1) All nonrecreational vessels must prepare a transfer plan prior to receiving oil from a Class 1, 2, or 3 facility. The plan must be discussed with the facility PIC during the pretransfer conference described in WAC 173-180-235. The plan must, at a minimum, include:

(a) Identification, location and capacity of the vessel's tanks receiving oil;

(b) Level and type of liquid in all bunker or cargo oil tanks prior to the oil transfer;

(c) Final ullage or innage, and percent of each tank to be filled;

(d) Sequence in which the tanks are to be filled; and

(e) The vessel's procedures to regularly monitor all tank levels and valve alignments during the transfer operation.

(2) A covered vessel may use the preloading plan or cargo plan required in chapter 317-40 WAC to meet the requirements of this section.

[]

NEW SECTION

WAC 173-180-235 Pretransfer conference. (1) Before the start of an oil transfer operation, the PICs must hold a face-to-face pretransfer conference unless the vessel's master/officer-in-charge determines it is unsafe under WAC 317-40-120.

(2) The PICs must discuss and agree upon:

(a) The preloading or cargo plan;

(b) The contents of the declaration of inspection (DOI) required under 33 CFR 156.150;

(c) Procedures for communicating soundings, changing over tanks, and beginning topping off;

(d) Shift change procedures;

(e) Emergency shutdown procedures and identify all means to shut down the oil transfer operation in an emergency; and

(f) Expected weather and/or sea conditions and threshold values for weather and sea conditions above which oil transfer operations must cease.

(3) During the pretransfer conference, that involves a covered vessel, the receiving vessel PIC must identify for the facility PIC those personnel designated as point-of-transfer watch and deck-rover watch.

(4) An oil transfer operation will not begin unless a person proficient in both English and a language common to the vessel's officers and crew is present at the pretransfer conference.

(a) The receiving vessel's owner or operator must provide an interpreter proficient in English and a language common to the vessel's officers and crew at the request of ecology, the facility's PIC, or the U.S. Coast Guard.

(b) If the delivering vessel's PIC is not satisfied with the receiving vessel's representative's English proficiency, the delivering PIC must request an interpreter at the expense of the receiving vessel's owner or operator.

[]

NEW SECTION

WAC 173-180-240 Communications. (1) The delivering PIC must ensure continuous two-way voice communication is usable and available in all weather conditions as well as all phases of the transfer operation between the PICs.

(2) The delivering PIC must ensure at least the following are

available for use during the oil transfer operation:

(a) Two portable communication devices that are intrinsically safe; and

(b) An air horn for emergency signals.

(3) The PICs must ensure personnel involved in the oil transfer operation know and use English phrases and hand signals to communicate the following instructions during the oil transfer: "Stop," "hold," "wait," "fast," "slow," and "finish."

[]

NEW SECTION

WAC 173-180-245 Oil transfer procedures. For all transfer operations involving Class 1, 2, or 3 facilities must comply with the transfer procedures in 33 CFR 156 and 154 and the following:

(1) All oil transfer operations must be conducted in accordance with the facility's approved operations manual.

(2) Ensure that transfer connections have been made according to the operations manual:

(a) Use appropriate material in joints and couplings to ensure a leak-free seal;

(b) Use either:

(i) A bolted or full threaded connection; or

(ii) A quick-connected coupling with a means of securing the coupling to prevent accidental release.

(c) Use a new compressible gasket appropriate for the product and transfer pressure;

(d) Use a bolt in every available hole;

(e) Use bolts of the correct size in each bolted connection;

(f) Ensure that each bolt is properly torqued to distribute the load to ensure a leak-free seal;

(g) Do not use any bolt that shows signs of strain or is elongated or deteriorated.

(3) Have the means to contain and recover any drips from connections within the oil transfer system.

(4) Deliverers providing oil to vessels without fixed containment must use automatic back pressure shutoff nozzles and also provide enough portable containment for each tank vent on the vessel.

(5) Conduct a pretransfer conference as defined in WAC 173-180-235.

(6) Ensure that the available capacity in the receiving

tank(s) is (are) greater than the volume of oil to be transferred and all other valves which could influence the routing of the transferred oil are properly aligned.

(7) The PICs must verify at the start of the transfer that the tanks designated in the preload or cargo transfer plan are receiving oil at the expected rate.

(8) Each PIC must ensure that the means of operating the emergency shutdown system is immediately available while oil is transferred between the deliverer and receiver.

(9) A PIC must refuse to initiate or must cease transfer operations with any vessel which:

(a) Has not provided complete information as required by the DOI;

(b) Has refused to correct deficiencies identified by the PIC during the pretransfer conference; or

(c) Does not comply with the operations manual or does not respond to concerns identified by the PIC.

(10) When a PIC shift change occurs the departing PIC must:

(a) Discuss the preload plan and transfer rate with the arriving PIC;

(b) Notify the PIC at the other side of the transfer that a shift change is taking place; and

(c) Ensure the relieving PIC reads and signs the DOI.

[]

NEW SECTION

WAC 173-180-250 Emergency shutdown. (1) Class 1, 2, or 3 facilities must have an emergency shutdown capable of stopping the flow of oil from the fixed or mobile facility to a vessel.

(2) The emergency shutdown must be located at the PICs usual operating station and at the dock manifold if not the same location.

(3) For oil transfers, the emergency shutdown must stop the flow:

(a) Within thirty seconds for a facility with fixed piping system; or

(b) Immediately for a facility equipped with flexible hoses.

(4) Both PICs must be capable of ordering or activating the emergency shutdown.

(5) If a PIC orders an emergency shutdown, the shutdown must be activated immediately.

(6) To meet the requirements of subsection (3) of this section, the emergency shutdown must be either of the following:

(a) An electrical, pneumatic, or mechanical linkage to the facility; or

(b) An electronic voice communications system continuously operated by a person on the facility who can stop the flow of oil.

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PART C: DESIGN STANDARDS FOR CLASS 1 FACILITIES

NEW SECTION

WAC 173-180-300 Applicability of Part C. Part C applies to Class 1 facilities only. Ecology has not adopted design standards for Class 2, 3, or 4 facilities.

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NEW SECTION

WAC 173-180-310 Transmission pipeline transfer requirements. (1) For the purposes of this section:

(a) "Appropriate person" means a person designated by the facility as being competent and trained to implement a designated function.

(b) "Pipeline operator" means the operator of a transmission pipeline.

(2) General requirements. No person may conduct an oil transfer operation to or from a transmission pipeline unless the

appropriate person and the pipeline operator have conducted pretransfer communications which identify:

(a) Type of oil;

(b) Transfer volume;

(c) Flow rates;

(d) Transfer startup or arrival time.

(3) Class 1 facilities which receive oil from a transmission pipeline must:

(a) Confirm that the proper manifold and valves are open and ready to receive product;

(b) Notify the transmission pipeline operator when a storage tank has less than one foot of oil above the inlet nozzle;

(c) Coordinate arrival time of oil with the pipeline operator;

(d) Confirm the available storage capacity for transfers to a facility;

(e) Ensure that only the designated tank(s) is (are) receiving oil;

(f) Ensure that proper transfer alignment of the pipeline, valves, manifolds and storage tanks have been made;

(g) Establish adequate communication in English between the facility and pipeline operator;

(h) For the purpose of scheduling inspections, ecology may require a twenty-four-hour notification to ecology in advance of any transfer of bulk oil by a facility operator. Ecology must request notification in writing when this procedure is required;

(i) Transfer operations must be supervised by an appropriate person;

(j) Each facility operator must ensure that the means of operating or requesting emergency shutdown is immediately available while oil is being transferred between the facility and the pipeline;

(k) If startup, shutdown, and/or emergency shutdown are controlled by the pipeline operator directly using instrumentation and control devices, the accuracy of these devices must be checked at least annually; and

(l) All transfer operations must be conducted in accordance with operations manuals approved under this chapter.

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NEW SECTION

WAC 173-180-320 Secondary containment requirements for

aboveground storage tanks. (1) Aboveground oil storage tanks must be located within secondary containment areas. Secondary containment systems must be:

(a) Designed, constructed, maintained and operated to prevent discharged oil from entering waters of the state at any time during use of the tank system;

(b) Capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Constructed with materials that are compatible with stored material to be placed in the tank system;

(d) Soil may be used for the secondary containment system, provided that any spill onto the soil will be sufficiently contained, readily recoverable and will be managed in accordance with the provisions under WAC 173-303-145 spills and discharges and any other applicable regulation;

(e) Constructed with sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the fluid stored in the storage tank, climatic conditions, and the stresses of daily operations (including stresses from nearby vehicular traffic);

(f) Placed on a base or foundation capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

(g) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked oil and accumulated precipitation must be removed from the secondary containment system in a manner which will provide the best achievable protection of public health and the environment; and

(h) Visually inspected monthly to confirm secondary containment integrity. Items requiring attention as determined by the visual inspection must be documented. Records must be kept on-site for a minimum of three years.

(2) The secondary containment system must be maintained to prevent a breach of the dike by controlling burrowing animals and weeds.

(3) The secondary containment system must be maintained free of debris and other materials which may interfere with the effectiveness of the system, including excessive accumulated precipitation.

(4) The facility must maintain at least one hundred percent of the working capacity of the largest storage tank within the secondary containment area at all times.

(5) All secondary containment pumps, siphons and valves must be properly maintained and kept in good working order.

(6) Drainage of water accumulations from secondary containment areas that discharge directly to the land or waters of the state must be controlled by locally operated, positive shutoff valves or other positive means to prevent a discharge. Valves must be kept closed except when the discharge from the containment system is in

compliance with chapter 90.48 RCW, Water pollution control. Valves must be locked closed when the facility is unattended. Necessary measures must be taken to ensure secondary containment valves are protected from inadvertent opening or vandalism. There must be some means of readily determining valve status by facility personnel such as a rising stem valve or position indicator.

(7) The owner or operator must inspect or monitor accumulated water before discharging from secondary containment to ensure that no oil will be discharged to the waters of the state. All water discharges must comply with state water quality program regulations as described in chapter 90.48 RCW.

(8) Ecology may require oil containers less than ten thousand gallons (two hundred thirty-eight barrels) capacity to have secondary containment when the container is located less than six hundred feet from navigable waters of the state or a storm water or surface drains which may impact navigable waters of the state.

(9) A secondary containment system constructed after the adoption date of this rule must be installed as follows:

(a) In accordance with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, section 2-3.4.3;

(b) Secondary containment systems must be capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Secondary containment systems must be designed to withstand seismic forces;

(d) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and

(e) Secondary containment systems must be designed and constructed in accordance with sound engineering practice and in conformance with the provisions of this section.

[]

NEW SECTION

WAC 173-180-330 Storage tank requirements. (1) Storage tanks constructed after the adoption date of this section must meet or exceed the 1993 version of the National Fire Protection Association (NFPA No. 30) requirements and one of the following design and manufacturing standards:

(a) UL No. 142, Steel Aboveground Tanks for Flammable and

Combustible Liquids dated April 1993;

(b) API Standard 650, Welded Steel Tanks for Oil Storage dated November 1988;

(c) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks dated June 1990; or

(d) Another standard approved by ecology.

(2) The owner or operator must ensure that the means of preventing storage tank overfill comply with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, Chapter 2, Section 2-10.

(3) Storage tanks must be maintained, repaired and inspected in accordance with the requirements of API 653 dated January 1991, unless the operator proposes an equivalent inspection strategy which is approved by ecology.

(4) A record of all inspection results and corrective actions taken must be kept for the service life of the tank and must be available to ecology for inspection and copying upon request.

[]

NEW SECTION

WAC 173-180-340 Transfer pipeline requirements. (1) Pipelines replaced, relocated or constructed after the adoption date of this rule which are located in areas not controlled by the facility must be installed in accordance with 49 CFR 195.246 through 49 CFR 195.254 as amended on October 8, 1991, where feasible. Facility control is established by fencing, barriers or other method accepted by ecology which protects the pipe right of way and limits access to personnel authorized by the facility.

(2) All pipelines must be protected from third party damage in a reasonable manner and be able to withstand external forces exerted upon them. This must be done by:

(a) Registering all underground pipelines located in public right of way areas in the local one call system if available;

(b) Maintaining accurate maps for all underground piping located outside the facility. The maps must identify pipe size and location. The approximate depths of pipelines must be identified for pipelines which do not comply with 49 CFR 195.248 as amended on October 8, 1991;

(c) Marking all piping located in areas not controlled by the facility in accordance with 49 CFR 195.410 as amended on October 8, 1991;

(d) Providing easement inspections of areas identified by (b) of this subsection on a weekly basis to determine if there is any uncommon activity occurring which may affect the integrity of the pipeline;

(e) Ensuring that pipelines at each railroad, highway or road crossing are designed and installed to adequately withstand the dynamic forces exerted by anticipated traffic loads.

(3) Pipelines constructed after the adoption date of this section must be designed and constructed in accordance with the American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 issued March 15, 1993, in effect during the time of construction or any other standard accepted by ecology.

(4) Pipelines must be inspected in accordance with API 570, 1993, Piping Inspection Code. As an alternative to complying with API 570, the facility must comply with the following requirement: Buried pipelines constructed after the adoption date of this rule must be coated. Coatings must be designed and inspected to meet the following conditions consistent with the definition of best achievable protection:

(a) Coatings must effectively electrically isolate the external surfaces of the pipeline system from the environment.

(b) Coatings must have sufficient adhesion to effectively resist underfilm migration of moisture.

(c) Coatings must be sufficiently ductile to resist cracking.

(d) The coating must have sufficient impact and abrasion resistance or otherwise be protected to resist damage due to soil stress and normal handling (including concrete coating application, installation of river weights and anode bracelet installation, where applicable).

(e) The coating must be compatible with cathodic protection.

(f) The coating must be compatible with the operating temperature of the pipeline.

(g) Coatings must be inspected immediately before, during, or after pipe installation to detect coating faults. Faults in the coating must be repaired and reinspected.

(5) All buried coated pipelines must have properly operated cathodic protection which is maintained during the operational life of the pipeline system. Cathodic protection must be maintained on pipeline systems which are out-of-service but not abandoned unless the operator can show that the pipeline integrity has been properly monitored and secured as approved by ecology prior to operation of the abandoned pipeline. Pipeline owners or operators may perform a corrosion study to demonstrate that cathodic protection is not required as an option to installing cathodic protection. Corrosion studies must follow the following guidelines as a minimum:

(a) Corrosion studies must be completed by a professional engineer with experience in corrosion control of buried pipelines, a NACE certified corrosion specialist or by a person knowledgeable and qualified to perform the required testing and inspection who is approved by ecology.

(b) Corrosion studies for pipelines must include at a minimum,

the following:

(i) Pipeline thickness and corrosion rate for existing pipelines;

(ii) Presence of stray DC currents;

(iii) Soil resistivity/conductivity;

(iv) Soil moisture content;

(v) Soil pH;

(vi) Chloride ion concentration; and

(vii) Sulfide ion concentration.

(6) All pipelines with cathodic protection are subject to the following requirements where applicable:

(a) Cathodic protection systems must be tested to determine system adequacy on an annual basis.

(b) Impressed current cathodic protection rectifiers must be inspected every two months.

(c) Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they must be properly rated for temperature, pressure and electrical properties, and must be resistant to the commodity carried in the pipeline system.

(d) Buried pipeline systems must be installed so that they are not in electrical contact with any metallic structures. This requirement must not preclude the use of electrical bonding to facilitate the application of cathodic protection.

(e) Tests must be carried out to determine the presence of stray currents. Where stray currents are present, measures must be taken to mitigate detrimental effects.

(7) Buried bare pipelines must be inspected in accordance with section 7 of API 570 dated June 1993. Pipeline thickness and corrosion rates must be determined at an interval of no more than half of the remaining life of the pipeline as determined from corrosion rates or every five years whichever is more frequent. Pipeline thickness and corrosion rate must be initially established within thirty-six months after the adoption date of this section. The pipeline must be operated in accordance with American Society of Mechanical Engineers (ASME) supplement to ASME B31G-1991 entitled *Manual for Determining the Remaining Strength of Corroded Pipe* for transmission pipelines issued June 27, 1991, API 570 dated June 1993 or a standard approved by ecology.

(8) Whenever any buried pipe is exposed for any reason, the operator must provide a nondestructive examination of the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, the extent of that corrosion must be determined and if necessary repaired.

(9) Each facility must maintain all pumps and valves that could affect waters of the state in the event of a failure. Transfer pipeline pumps and valves and storage tank valves must be inspected annually and maintained in accordance with the manufacturers' recommendations or an industrial standard approved by ecology to ensure that they are functioning properly. Valves must be locked when the facility is not attended. Necessary measures must be taken to ensure that valves are protected from

inadvertent opening or vandalism if located outside the facility or at an unattended facility.

(10) A written record must be kept of all inspections and tests covered by this section.

(11) Facilities must have the capability of detecting a transfer pipeline leak equal to eight percent of the maximum design flow rate within fifteen minutes for transfer pipelines connected to tank vessels. Leak detection capability must be determined by the facility using best engineering judgment. Deficiencies with leak detection systems such as false alarms must be addressed and accounted for by the facility. Facilities may meet these requirements by:

(a) Visual inspection provided the entire pipeline is visible and inspected every fifteen minutes; or

(b) Instrumentation; or

(c) Completely containing the entire circumference of the pipeline provided that a leak can be detected within fifteen minutes; or

(d) Conducting an acceptable hydrotest of the pipeline immediately before the oil transfer with visual surveillance of the exposed pipeline every fifteen minutes; or

(e) A combination of the above strategies; or

(f) A method approved by ecology which meets the standard identified in this section; or

(g) Leak detection system operation and operator response must be described in the facility operations manual.

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PART D: OPERATIONS MANUAL REQUIREMENTS FOR CLASS 1 AND CLASS 2 FACILITIES

NEW SECTION

WAC 173-180-400 Applicability of Part D. (1) Part D applies to both Class 1 and Class 2 facilities. Ecology has not adopted operation manual requirements for Class 3 or 4 facilities.

(a) WAC 173-180-405 through 173-180-440 covers Class 1 facilities.

(b) WAC 173-180-445 through 173-180-475 covers Class 2 facilities.

(2) Class 1 and 2 facilities must prepare, submit, and implement an operations manual pursuant to the requirements in this chapter.

(3) All oil transfer operations must be conducted in accordance with the facilities operations manual. The owner or operator and PIC for Class 1 and 2 facilities transferring oil to a nonrecreational vessel must ensure that the receiving vessel's personnel comply with the facility operations manual.

(4) Class 1 and 2 facilities must maintain all equipment and perform operations in accordance with the operations manual.

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NEW SECTION

WAC 173-180-405 Class 1 facility--Operations manual. (1) Each facility must keep the operations manual in an immediately accessible location.

(2) Facilities must ensure that all employees involved in oil transfer operations, or storage operations, are familiar with the operations manual provisions through regular and new employee training.

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NEW SECTION

WAC 173-180-410 Class 1 facility--Operations manual preparation. (1) Each Class 1 facility must prepare an operations manual, which at a minimum, meets the requirements of this chapter.

(2) The operations manual must be thorough and contain enough information, analyses, supporting data, and documentation to

demonstrate the manual holder's ability to meet the requirements of this chapter.

(3) The Class 1 facility may submit their Coast Guard operations manuals required under 33 CFR 154.300 to satisfy operations manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those of ecology; or

(b) The Class 1 facility modifies or appends the operations manual to satisfy requirements under this chapter.

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NEW SECTION

WAC 173-180-415 Class 1 facility--Operations manual format requirements. Operations manuals must:

(1) Have a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures;

Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 CFR 154 provided that a copy of the *Coast Guard Operations Manual* has been submitted to ecology.

(2) Allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire operations manual; and

(3) Have a log sheet to record amendments to the operations manual. The log sheet must:

(a) Be placed at the front of the operations manual;

(b) Provide for a record of the section amended, the date the old section was replaced with the amended section, and the initials of the individual making the change;

(c) Include a description of the amendment; and

(d) Include a description of the amendment's purpose or filed in the form of an amendment letter immediately following the log sheet.

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NEW SECTION

WAC 173-180-420 Class 1 facility--Operations manual content requirements. (1) The operations manual must describe equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills.

(2) The operations manual submitted to ecology must contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party;

(b) Verifies acceptance of the operations manual by the owner or operator of the Class 1 facility by either signature of the owner or operator or signature by a person with the authority to bind the corporation which owns such facility;

(c) Commits execution of the operations manual by the owner or operator of the Class 1 facility, and verifies authority for the operations manual holder to make appropriate expenditures in order to execute operations manual provisions; and

(d) Includes the name, location, and address of the facility, type of facility, and starting date of operations of the facility covered by the operations manual.

(3) Operations manuals must address at a minimum the following topics for oil transfer operations to or from Class 1 facilities:

(a) General facility information including:

(i) The geographic location of the facility shown on a topographic map;

(ii) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(iii) A statement identifying facility operation hours;

(iv) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(v) Recordkeeping procedures and sample forms which are associated with the requirements in this chapter;

(vi) Overfill prevention procedures must be described for transfers to storage tanks and tank vessels in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10;

(vii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance, replacement criteria for transfer pipelines, pumps and valves;

(viii) A description of all oil types transferred to or from the facility including:

(A) Generic and chemical name;

(B) A description of the appearance of the oil;

(C) The hazards involved in handling the oil; and

(D) Instructions for safe handling of oil;

(ix) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil;

(x) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil;

(xi) Instructions in the use of each communication system;

(xii) Detailed procedures for:

(A) Operating each hose system and loading arm including the limitations of each loading arm;

(B) Transferring oil, including startup, topping off, and shutdown;

(C) Completion of pumping; and

(D) Quantity, type, location, and instructions for use of all transfer monitoring devices;

(xiii) A discussion of the leak detection system and/or procedures implemented by the facility;

(xiv) The location and facilities of each personnel shelter, if any; and

(xv) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system.

(b) Facility procedures for oil transfers to or from nonrecreational vessels including, at a minimum:

(i) Discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;

(ii) Discussion of equipment and procedures required for all vessels which transfer oil to or from the facility;

(iii) Procedures for verifying that vessels meet facility requirements and operations manual procedures;

(iv) Discussion of the minimum number of persons or equipment required to perform transfer operations and their duties, including transfer watchmen;

(v) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(vi) If applicable, procedures for shielding portable lighting;

(vii) Discussion of the facility's requirements regarding weather and sea conditions at the facility which may impact oil transfers to or from vessels. The supporting data for oil transfer weather and sea restrictions must be made available to ecology if requested and include at a minimum:

(A) Instrumentation or methodology for accurately measuring and recording this information in the facility's dock operations log book;

(B) Measuring current velocity, weather, and sea conditions before and during the oil transfer operation;

(C) Monitoring forecasted weather and sea;

(D) Procedures for communicating weather and sea conditions to the PICs at regular intervals;

(E) Threshold values for weather and sea conditions above which transfer operations must cease; and

(F) Procedures for shutting down the oil transfer should weather or seas exceed threshold values.

(c) Threshold values determination when a facility will not preboom under WAC 173-180-220 must be in the operations manual for approval and easily found by the PIC. The information used to support these values must be based upon on-site environmental monitoring data recorded at specific times, dates, and locations. The analysis, data, and supporting documents are not required to be in the operations manual but must be submitted separately in a report to ecology.

(i) These values and the supporting data must address, at a minimum, the following site specific information:

(A) Personnel safety;

(B) Sea state values in feet including typical wave periods;

(C) Water current velocity such as peak currents, sustained currents in hourly increments, and direction of flow, during typical oil transfer operations;

(D) Wind speed in knots and prevailing directions;

(E) Other conditions such as vessel traffic, fishing activities, and other factors that influence the oil transfer operation.

(ii) The facility must provide a detailed analysis of the proposed threshold values for the transfer site including:

(A) Methodology of the analysis;

(B) Equipment used to measure data collected;

(C) Supporting data, references, graphs, tables, pictures, and other relevant information.

(iii) When reviewing threshold determination reports, ecology must consider the following:

(A) Personnel safety;

(B) Operating environment of the transfer site(s) such as site specific meteorological, water current velocity and other monitoring data to support the threshold values determination;

(C) Accepted industry standards regarding the performance of boom and associated response equipment in various operating environments;

(D) Types of oil transfer operations including bunkering, cargo operations, transfer rates, and other factors that influence oil transfers.

(iv) Ecology will make the report available for a thirty-day public review and comment period.

(d) Facility emergency procedures, at a minimum:

(i) Procedures for reporting and initial containment of oil discharges;

(ii) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(iii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(iv) Quantity, type, location, instructions for use, and time

limits for gaining access to containment equipment; and

(v) Quantity, type, location, and instructions for use of fire extinguishing equipment.

(e) For facilities that transfer to or from transmission pipelines the operations manual must address, at a minimum, the following topics:

(i) The geographic location of the facility shown on a topographic map;

(ii) A physical description of the facility including a plan of the facility showing transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(iii) A statement identifying facility operation hours;

(iv) A description of all oil types transferred to or from the facility including:

(A) Generic and chemical name;

(B) The name of the oil;

(C) A description of the appearance of the oil;

(D) A description of the odor of the oil;

(E) The hazards involved in handling the oil; and

(F) Instructions for safe handling of oil;

(v) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil;

(vi) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil;

(vii) A discussion of the minimum number of persons required to perform transfer operations and their duties;

(viii) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(ix) The duties of the facility operator;

(x) A description of each communication system;

(xi) The location and facilities of each personnel shelter, if any;

(xii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(xiii) Quantity, types, locations, and instructions for use of monitoring devices;

(xiv) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(xv) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(xvi) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(xvii) Detailed procedures for reporting and initial containment of oil discharges;

(xviii) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(xix) A description of the training and qualification program for persons in charge;

(xx) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;

(xxi) Recordkeeping procedures and sample forms to be used;

(xxii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance replacement criteria for transfer pipelines, pumps and valves;

(xxiii) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures must be described for transfers to storage tanks and tank vessels; and

(xxiv) Detailed procedures for emergencies.

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NEW SECTION

WAC 173-180-425 Class 1 facility--Operations manual submittal. (1) The owner or operator of an existing facility must submit the operations manual to ecology within ninety calendar days from the effective date of this chapter.

(a) Existing Class 1 facilities that have an ecology approved operations manual, on the date this chapter becomes effective, may submit only the new changes to the operations manual instead of resubmitting the entire operations manual.

(b) For Class 1 facilities that begin operations after the effective date of this chapter, the owner or operator must submit an operations manual to ecology at least one hundred twenty calendar days prior to conducting an oil transfer operation.

(2) One paper and one electronic copy of the operations manual and appendices must be delivered to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
P.O. Box 47600
Olympia, WA 98504-7600
Or
The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
300 Desmond Drive
Lacey, WA 98503

(3) The operations manual submitter may request that

proprietary information be kept confidential under RCW 43.21A.160.

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NEW SECTION

WAC 173-180-430 Class 1 facility--Operations manual review and approval. (1) Upon receipt of an operations manual, ecology will determine whether the operations manual is complete. If ecology determines that an operations manual is incomplete, ecology must notify the facility of the deficiencies.

(2) When reviewing operations manuals ecology must consider the following:

(a) The ability of the operations manual to provide best achievable protection from damages caused by the discharge of oil into waters of the state;

(b) The volume and type of oil(s) addressed by the facility operations manual;

(c) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(d) Inspection reports;

(e) The presence of operating hazards;

(f) The sensitivity and value of natural resources within the geographic area covered by the operations manual; and

(g) Any pertinent local, state, federal agency, public comments received on the operations manual.

(3) Ecology must endeavor to notify the facility owner or operator within five working days after completing the review whether ecology approves the operations manual.

(4) If the operations manual receives approval, ecology must send the Class 1 facility owner or operator an approval letter describing the terms of approval, including an expiration date.

(5) Conditional approval:

(a) Ecology may approve an operations manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the operations manual are resubmitted and approved by ecology.

(b) Precautionary measures may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours; or

(iv) Additional requirements to ensure availability to response equipment.

(6) After receiving notification of conditional status from ecology, a Class 1 facility must submit and implement required changes to ecology within thirty days. Ecology may issue an extension at ecology's discretion. Operations manual holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(7) If the operations manual approval is denied, ecology must send an explanation of the factors for disapproval and a list of deficiencies to the Class 1 facility owner or operator.

(a) The owner or operator of the facility must resubmit the operations manual within ninety calendar days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(b) The facility must not continue oil storage, transfer, production, or other operations until ecology approves an operations manual for that facility.

(8) Approval of a manual by ecology does not constitute an express assurance regarding the adequacy of the operations manual nor constitute a defense to liability imposed under state law.

(9) A facility may conduct operations if the facility properly submitted an operations manual to ecology and ecology has not provided the facility with a formal response.

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NEW SECTION

WAC 173-180-435 Class 1 facility--Operations manual updates. (1) The owner or operator must notify ecology in writing prior to any significant changes to the operations manual that could affect implementation of the operations manual.

(2) A significant change includes, but is not limited to:

(a) A change in the owner or operator of the facility;

(b) A change in the types of oil handled at the facility;

(c) A substantial change in the facility's oil-handling capacity;

(d) Noncompliance with the federal Oil Pollution Act of 1990;

(e) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(f) Any other changes that would require modification of the operations manual.

(3) If a significant change will reduce the facility's ability to implement the operations manual, the operations manual holder must also provide a schedule for the return of the operations manual to full implementation capability.

(4) The facility may submit a facsimile to provide written notice for the purposes of this section.

(5) If ecology finds, because of the significant change, the operations manual no longer meets approval criteria, ecology may, at its discretion, place conditions on approval, or revoke approval. Ecology may also require the operations manual holder to amend its operations manual to incorporate the change.

(6) Within thirty calendar days of making a significant change to the operations manual, the facility owner or operator must distribute the amended page(s) of the operations manual to ecology and other operations manual holders.

(7) Ecology may review an operations manual and require changes following any spill, inspection, or drill for which the operations manual holder is responsible.

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NEW SECTION

WAC 173-180-440 Class 1 facility--Submitting the operations manual for reapproval. (1) Ecology must review facility manuals every five years.

(2) The Class 1 facility must submit the operations manuals for reapproval unless the operations manual holder submits a letter requesting that ecology review the operations manual already in ecology's possession.

The operations manual holder must submit the operations manual or such letter at least one hundred eighty calendar days in advance of the operations manual expiration date.

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NEW SECTION

WAC 173-180-445 Class 2 facility--Operations manual. (1) Each facility must keep the operations manual immediately accessible at the transfer location.

(2) Facilities must ensure that all employees involved in oil transfer operations are familiar with the operations manual provisions through regular and new employee training.

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NEW SECTION

WAC 173-180-450 Class 2 facility--Operations manual preparation. (1) Each Class 2 facility must prepare an operations manual that meets the requirements of this chapter.

(2) The Class 2 facility may submit their Coast Guard operations manuals required under 33 CFR 154.300 to satisfy operations manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those of ecology; or

(b) The Class 2 facility modifies or appends the operations manual to satisfy operations manual requirements under this chapter.

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NEW SECTION

WAC 173-180-455 Class 2 facility--Operations manual format requirements. Operations manuals must:

(1) Have a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures;

Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 CFR 156 provided that a copy of the *Coast Guard Operations Manual* has been submitted to ecology.

(2) Allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire operations manual; and

(3) Have a log sheet to record amendments to the operations manual. The log sheet must:

(a) Be placed at the front of the operations manual;

(b) Provide for a record of the section amended, the date that the old section was replaced with the amended section, and the initials of the individual making the change;

(c) Include a description of the amendment; and

(d) Include a description of the amendment's purpose or filed in the form of an amendment letter immediately following the log sheet.

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NEW SECTION

WAC 173-180-460 Class 2 facility--Operations manual content requirements. (1) The operations manual must describe equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills.

(2) Operations manuals must address at a minimum the following topics for oil transfer operations from Class 2 facilities:

(a) Each operations manual submitted to ecology must contain a submittal agreement which:

(i) Includes the name, address, and phone number of the submitting party.

(ii) Verifies acceptance of the operations manual by the owner or operator of the Class 2 facility by either signature of the owner or operator or signature by a person with the authority to

bind the corporation which owns such facility.

(iii) Commits execution of the operations manual by the owner or operator of the Class 2 facility, and verifies authority for the operations manual holder to make appropriate expenditures in order to execute operations manual provisions; and

(iv) Includes the name and location for the base of operations for the mobile fleet, and the name and location of the maintenance yard for rolling stock, and the starting date of operations.

(b) General Information related to the facility including:

(i) A brief summary of applicable federal, state, and local oil or hazardous material pollution laws and regulations;

(ii) A physical description of the fleet of mobile vehicles or rolling stock including capabilities;

(iii) Instructions in the use of each communication system;

(iv) A description and instructions for the use of drip and release containment for all hose connections;

(v) The maximum allowable working pressure (MAWP) of each hose assembly required to be tested by 33 CFR 156.170 of this chapter, including the maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each transfer system, if any;

(vi) Recordkeeping procedures and sample oil transfer forms which are associated with the requirements in this chapter;

(vii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance, replacement criteria for hose assemblies, pumps and valves; and

(viii) Written procedures to describe vessel overfill prevention procedures in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10.

(c) Facility procedures for oil transfers to or from nonrecreational vessels including:

(i) Detailed procedures for transferring oil which will include, at a minimum:

(A) Number of truck/trailer combinations needed;

(B) Transferring oil, including startup, topping off, and shutdown; and

(C) Shift-change procedures;

(ii) A discussion of equipment and procedures required for all vessels which receive oil from the Class 2 facility and procedures for verifying that vessels meet Class 2 facility requirements and operations manual procedures;

(iii) A discussion regarding the time/condition constraints for deliveries;

(iv) Provide a copy of the MSDS for each type of oil transferred. The MSDS must be in the driver's possession or available at the transfer;

(v) A discussion of the minimum number of persons or equipment required to perform transfer operations and their duties;

(vi) Quantity, types, locations, and instructions for use of monitoring devices;

(vii) If applicable, procedures for shielding portable lighting;

(viii) Procedures for detecting leaks during oil transfer operations; and

(ix) Discussion of the facility's requirements regarding weather and sea conditions at the facility which may impact oil transfers to or from vessels including, at a minimum:

(A) Monitoring current weather and sea conditions;

(B) Monitoring forecasted weather and sea;

(C) Procedures for communicating weather and sea conditions to the PICs at regular intervals;

(D) Threshold values for weather and sea conditions above which transfer operations must cease; and

(E) Procedures for shutting down the oil transfer should weather or seas exceed threshold values.

(d) Class 2 facility emergency information, must include at a minimum:

(i) Procedures for reporting and initial containment of oil discharges;

(ii) The name and telephone number of the driver's supervisor or dispatcher and telephone number of the Coast Guard, state, local, and other personnel who may be called by the employees of the Class 2 facility in an emergency;

(iii) Emergency plans and procedures including a description of and location of each emergency shutdown system;

(iv) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(v) Means of protecting nearby surface water from impact of discharge of oil, i.e., permanent or temporary drainage structures or devices to protect water at delivery site.

(e) If a Class 2 facility conducts Rate A transfers, then the operations manual must include threshold values when a facility cannot preboom under WAC 173-180-220 and data supporting this decision for a specific transfer location. These values and the supporting description must include at a minimum site specific information:

(i) Personnel safety;

(ii) Sea state;

(iii) Current velocity;

(iv) Wind speed; and

(v) Other environmental conditions.

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NEW SECTION

WAC 173-180-465 Class 2 facility--Operations manual submittal. (1) All existing Class 2 facilities must submit an operations manual to ecology within ninety calendar days after the effective date of this chapter.

(2) All Class 2 facilities that begin oil transfer operations after the effective date of this chapter must submit an operations manual to ecology at least ninety calendar days prior to the beginning of oil transfer operations.

(3) One paper and one electronic copy of the operations manual and appendices must be delivered to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
P.O. Box 47600
Olympia, WA 98504-7600
Or
The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Operations Manual
300 Desmond Drive
Lacey, WA 98503

(4) The operations manual submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

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NEW SECTION

WAC 173-180-470 Class 2 facility--Operations manual review and approval. (1) Upon receipt of an operations manual, ecology will determine whether the operations manual is complete. If ecology determines that an operations manual is incomplete, ecology must notify the Class 2 facility of the deficiencies.

(2) When reviewing operations manuals for approval ecology must consider the following criteria:

(a) The ability of the operations manual to provide best

achievable protection from damages caused by the discharge of oil into waters of the state;

(b) The volume and type of oil(s);

(c) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(d) Inspection reports;

(e) The presence of operating hazards; and

(f) The sensitivity and value of natural resources within the geographic area covered by the operations manual.

(3) Ecology must endeavor to notify the facility owner or operator within five working days after completing the review whether or not ecology approves the operations manual.

(4) If the operations manual receives approval, ecology must send the Class 2 facility owner or operator an approval letter describing the terms of approval, including an expiration date.

(5) Conditional approval:

(a) Ecology may approve an operations manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the operations manual are resubmitted and approved.

(b) Precautionary measures may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting oil transfer operations to daylight hours; or

(iv) Additional requirements to ensure availability to response equipment.

(6) After receiving notification of conditional status from ecology, a Class 2 facility must submit and implement required changes to ecology within thirty days. Ecology may issue an extension at ecology's discretion. Operations manual holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(7) If operations manual approval is denied, ecology must send the facility owner or operator an explanation of the factors for disapproval and a list of deficiencies.

(a) The owner or operator of the facility must resubmit the operations manual within ninety calendar days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(b) The facility must not continue oil transfer or other operations until an operations manual for that facility has been approved.

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NEW SECTION

WAC 173-180-475 Class 2 facility--Operations manual updates. (1) The owner or operator must notify ecology in writing prior to any significant changes to the operations manual that could affect implementation of the operations manual.

(2) A significant change includes, but is not limited to:

(a) A change in the owner or operator of the facility;

(b) A change in the types of oil handled at the facility;

(c) A substantial change in the facility's oil-handling capacity;

(d) Noncompliance with the federal Oil Pollution Act of 1990;

(e) A substantial change in equipment in use by the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(f) Any other changes that would require that the operations manual be modified.

(3) If the significant change will reduce the facility's ability to implement the operations manual, the operations manual holder must also provide a schedule for the return of the operations manual to full implementation capability.

(4) The facility may submit a facsimile to provide written notice for the purposes of this section.

(5) If ecology finds, as a result of the significant change, the operations manual no longer meets approval criteria, ecology may, at its discretion, place conditions on approval, or revoke approval. Ecology may also require the operations manual holder to amend its operations manual to incorporate the change.

(6) Within thirty calendar days of making a change to the operations manual, the facility owner or operator must distribute the amended page(s) of the operations manual to ecology and other operations manual holders.

(7) Ecology must review operations manuals every five years.

(a) Operations manuals must be submitted for reapproval unless the operations manual holder submits a letter requesting that ecology review the operations manual already in ecology's possession.

(b) The operations manual holder must submit the operations manual or such letter at least one hundred eighty calendar days in advance of the operations manual expiration date.

(8) Ecology may review an operations manual and require changes following any spill, inspection, or drill for which the operations manual holder is responsible.

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PART E: TRAINING AND CERTIFICATION FOR CLASS 1 AND CLASS 2 FACILITIES

NEW SECTION

WAC 173-180-500 Applicability of Part E. (1) Part E applies to Class 1 and 2 facilities. All Class 1 and Class 2 facilities must have training and certification programs that are developed, approved, and implemented, pursuant to requirements in this chapter.

(2) Class 3 facilities must meet the training requirements in 33 CFR 154.

(3) Class 4 facilities must meet the training requirements in WAC 173-180-210(2).

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NEW SECTION

WAC 173-180-510 Class 1 facility--Training requirements. (1) Each Class 1 facility must develop and implement oil transfer training for key supervisory, operations, maintenance, management, and indirect operations personnel identified pursuant to subsection (3) of this section.

(a) The Class 1 facility must design a training program, to the maximum extent practicable, to promote job competency and environmental awareness for the purpose of preventing oil spills.

(b) Non-English speaking personnel subject to the facility's training requirements must be trained in a manner that allows comprehension by such personnel.

(2) Oil transfer training programs must be approved by ecology under WAC 173-180-525.

(3) The Class 1 facility must identify, in writing, the specific position titles which the facility has identified to be

subject to its oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) "Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.

(b) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, storage tank operators, pipeline operators, and oil transfer monitors.

(c) "Supervisory" means involvement in directly supervising the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state

(d) "Maintenance" means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.

(e) "Indirect operations" means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby oil-handling operations (e.g., operating digging equipment next to an active transfer pipeline). For cases where certain job titles associated with indirect operations can not be identified in advance, the facility must identify the types of job orders or work sites which may involve the need for indirect operations oil transfer training.

(4) The facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours that are appropriate for each position given the facility's training needs and human factor risks.

For the purposes of this section, "human factors" means human conditions, such as inadequate knowledge or fatigue, which can lead to incompetency or poor judgment, and "human factor risks" means risks of causing an oil spill due to the effects of human factors on competency and judgment.

(5) Operations and supervisory personnel training: Requirements for training of operations and supervisory personnel must focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil transfer training requirements must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Overview of vessel transfer and spill containment systems including, but not limited to: Manifolds, valving, scuppers, and overfill alarm systems;

(c) Operating procedures and checklists specific to trainee's

job function;

(d) Problem assessment, including recognition of human factor risks and how they can be minimized;

(e) Awareness of preventative maintenance procedures;

(f) Awareness of local environmental sensitivity and oil spill impacts;

(g) Major components of facility's oil spill prevention plan;

(h) Major components of facility's operations manual;

(i) Major components of facility's oil spill contingency plan;

(j) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;

(k) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(l) Routine and emergency communications procedures;

(m) Overview of applicable oil spill prevention and response laws and regulations; and

(n) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

(6) Management personnel training: Requirements for initial oil transfer training of management personnel must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Management role in operations and oil spill prevention;

(c) Recognition of human factor risks and how they can be minimized;

(d) Awareness of local environmental sensitivity and oil spill impacts;

(e) Major components of facility's oil spill prevention plan;

(f) Major components of facility's operations manual;

(g) Major components of facility's oil spill contingency plan;

(h) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;

(i) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(j) Overview of applicable oil spill prevention and response laws and regulations; and

(k) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

(7) Maintenance personnel training: Requirements for initial oil transfer training of maintenance personnel must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at applicable maintenance work sites within the facility;

(b) Equipment problem assessment and preventative maintenance procedures;

(c) Awareness of local environmental sensitivity and oil spill

impacts;

(d) Major components of facility's oil spill prevention plan;

(e) Major components of facility's operations manual;

(f) Major components of facility's oil spill contingency plan;

(g) Emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(h) Overview of applicable oil spill prevention and response laws and regulations; and

(i) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

(8) Indirect operations personnel training: Requirements for initial oil transfer training of indirect operations personnel must incorporate the following training topics at a minimum:

(a) Overview of oil handling, transfer, storage, and monitoring/leak detection operations at specific indirect operations work site within the facility;

(b) Awareness of local environmental sensitivity and oil spill impacts;

(c) Notification procedures for emergency spill prevention actions; and

(d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180-630.

(9) Training topics identified in subsections (5) through (8) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the applicable personnel training program.

(10) The facility must identify, in writing, the specific oil spill prevention continuing education requirements for each affected position, including minimum hours, which are appropriate given the facility's training needs and human factor risks. Ongoing training must occur at least annually, and at a minimum address:

(a) Any changes in the core topics identified in subsections (5) through (8) of this section, unless affected personnel have already been informed about the change after its occurrence;

(b) Refresher awareness training on environmental sensitivity and oil spill impacts;

(c) Review and analysis of oil spills which have occurred during the past year;

(d) Refresher training on emergency spill prevention procedures; and

(e) For key supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.

(11) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements (29 CFR 1910), Coast Guard person-in-charge requirements (33 CFR 154.710), and other federal/state training requirements in order to meet the above oil transfer training requirements.

(12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's initial oil transfer training requirements if:

(a) The facility has documented that those personnel have received the required training in the past; or

(b) The facility attests in writing and in detail, how those personnel have had on-the-job training or other experience equivalent to the facility's initial training requirements including type and frequency of past training when known.

(13) Facilities must develop follow up remedial training for personnel clearly responsible for causing an oil spill while functioning in their position, unless such personnel no longer occupy a position identified under subsection (3) of this section.

(14) Contractors hired by the facility to perform key supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection (3) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same oil transfer training requirements as facility employees. The facility is responsible to validate that such contractors have met the facility's oil transfer training requirements before they perform a key supervisory, operations, maintenance, management, or indirect operations function.

(15) Facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

(16) Facilities must develop and maintain written oil transfer training materials, such as training manuals or checklists.

(17) Oil transfer training must be documented, and records must be kept at the facility in a central and accessible location for at least five years from the date of training completion.

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NEW SECTION

WAC 173-180-515 Class 1 facility--Certification program. (1) Each Class 1 facility must develop and implement a program to certify that key supervisory and operations personnel identified pursuant to WAC 173-180-510 have met the facility's oil transfer

training program requirements, and are competent to perform the operations or supervisory functions associated with their position. The facility is not required to certify personnel other than key supervisory and operations personnel. The certification program must be designed, to the maximum extent practicable, to ensure job competency and environmental awareness for the purpose of preventing oil spills.

(2) Certification programs must meet minimum criteria pursuant to WAC 173-180-520.

(3) Certification programs must be approved by ecology pursuant to WAC 173-180-525.

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NEW SECTION

WAC 173-180-520 Class 1 facility--Minimum criteria for certification programs. (1) The Class 1 facility oil spill prevention certification program must address all key supervisory and operations personnel identified pursuant to WAC 173-180-510.

(2) The Class 1 facility must develop and maintain written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to develop and test competency in key supervisory and operations personnel;

(c) The process to issue and track certificates; and

(d) Policies regarding loss or lack of certified status.

(3) The Class 1 facility must maintain a written certificate or other record for supervisory and operations personnel which have met the facility's certification requirements. This record must document:

(a) The certified individual's name and position;

(b) Types and hours of training completed;

(c) Name of trainer;

(d) Results of performance tests and evaluations; and

(e) Signatures of the trainee and trainer.

(4) The Class 1 facility must keep copies of certification records at the facility in a central and accessible location for at least five years from the date of certification.

(5) The Class 1 facility certification program must incorporate methods to evaluate and confirm job competency, including:

(a) A written examination, or oral examination documented in

writing, which tests general knowledge about training topics identified under WAC 173-180-510, with an appropriate passing score established by the facility;

(b) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(i) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(ii) Practice exercises involving procedures to prevent a spill during abnormal operations events.

(6) The Class 1 facility's program must only provide for certification of an individual who has:

(a) Met the facility's oil spill prevention initial training requirements tied to the individual's position, as developed pursuant to WAC 173-180-510; and

(b) Passed a competency evaluation developed under subsection (5) of this section.

(7) Recertification of personnel must occur at least once every three years, based on:

(a) Successful completion of continuing education requirements; and

(b) Satisfactory performance in a reevaluation of competency as developed under subsection (5) of this section.

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NEW SECTION

WAC 173-180-525 Class 1 facility--Training and certification program approval. (1) Existing Class 1 facilities:

(a) Must modify their training and certification program to meet requirements in this chapter and must implement the program within ninety calendar days from the effective date of this chapter.

(b) Must train and certify all personnel under the facility's modified training and certification program within ninety calendar days of the effective date of this chapter.

(2) Class 1 facilities that begin operations after the effective date of this chapter:

(a) Must develop or modify their training and certification program to meet the requirements of this chapter and must implement the program within one hundred twenty calendar days prior to oil

transfer operations.

(b) Must train and certify all personnel under the facility's training and certification program before any oil transfer operation occurs at the facility.

(3) All new facility employees with oil transfer duties must be trained and certified within ninety days from date of hire.

(4) Ecology must review the Class 1 facility's training and certification program after the date that facilities must meet rule criteria pursuant to subsection (1) or (2) of this section. This review must be accomplished by a general on-site inspection by ecology through evaluation of the Class 1 facility's training materials, testing records and certification records, and consultation with personnel.

(5) Ecology will notify Class 1 facilities regarding approval status within thirty calendar days from completing inspections performed under subsection (4) of this section.

(6) Class 1 facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program, with options for a time extension based on ecology's discretion. For those personnel that were trained or certified after the deadlines established in subsection (1) of this section but prior to program approval, retraining or recertification of such personnel due to changes required by ecology's approval process can be postponed until the next retraining or recertification cycle as established by the facility pursuant to this chapter.

(7) Training and certification program approval is valid for five years. Significant changes to the Class 1 facility's program must be documented through an update of the facility's prevention plan pursuant to chapter 173-180 WAC Part F requirements. Minor upgrades in training and certification programs, such as expansion of training hours or updates to testing materials, are not required to be submitted to ecology through a prevention plan update.

(8) Ecology may perform announced and unannounced inspections at facilities to verify compliance.

(9) A training and certification program must be approved if, in addition to meeting criteria in this section and WAC 173-180-520, the Class 1 facility demonstrates that when implemented, the facility can, to the maximum extent practicable:

(a) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180-630;

(b) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those facility oil spills which do occur;

(c) Provide effective oil transfer training to key supervisory, operations, maintenance, management, and indirect operations personnel;

(d) Ensure proper evaluation of job competency; and

(e) Provide an effective system to clearly document and track personnel training and certification.

(10) When reviewing programs, ecology must, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) handled by the facility, and frequency of oil-handling operations;

(b) Number of facility personnel;

(c) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(d) Inspection reports;

(e) The presence of hazards unique to the facility, such as seismic activity or production processes; and

(f) The sensitivity and value of natural resources that could be affected by a spill from the facility.

(11) Ecology may approve a program with an expedited review as set out in this section if that program has been approved by a federal agency or other state which ecology has deemed to apply approval criteria which equal or exceed those of ecology.

(12) If the program receives approval, the facility owner or operator must receive a certificate of approval describing the terms of approval, including expiration dates pursuant to subsection (6) of this section.

(a) Ecology may conditionally approve a program by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.

(b) Precautionary measures may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours or favorable weather conditions; or

(iv) Additional requirements to ensure availability of response equipment.

(c) A facility must have thirty calendar days after ecology gives notification of conditional status to make the required changes, with the option for an extension at ecology's discretion. Facilities which fail to meet conditional requirements or make required changes in the time allowed must lose conditional approval status.

(i) If approval is denied or revoked, the facility owner or operator must receive an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in chapter 90.56 RCW.

(ii) Ecology's decisions under this chapter are reviewable in superior court.

(iii) Approval of a training and certification program by ecology does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law.

(13) Ecology may review a program following any spill, inspection, or drill at the facility.

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NEW SECTION

WAC 173-180-530 Class 2 facility--Oil transfer training requirements. (1) Each Class 2 facility must develop and implement oil transfer training for key supervisory and operations personnel identified pursuant to subsection (6) of this section.

(2) Class 2 facilities must design training, to the maximum extent practicable, to provide job competency for oil transfer operations.

(3) Class 2 facilities must train non-English speaking personnel subject to the facility's training requirements in a manner that allows comprehension by such personnel.

(4) Ecology must approve oil transfer training programs for Class 2 facilities pursuant to WAC 173-180-545.

(5) Class 2 facilities must develop and maintain written training materials, such as training manuals or checklists.

(6) The Class 2 facility must identify, in writing, the specific position titles at the facility which are subject to the facility's oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) "Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.

(b) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, truck drivers and operators, and oil transfer monitors.

(c) "Supervisory" means involvement in directly supervising personnel engaged in the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(7) The Class 2 facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours, which are appropriate for each position given the facility's training needs and human factor risks as defined in WAC 173-180-510(4).

(8) Key supervisory and operations personnel training: Training of key supervisory and operations personnel must focus on building personnel competency in operating procedures specific to the facility. Training requirements must at a minimum incorporate the following training topics:

(a) Overview of all oil handling, transfer, and monitoring operations at the facility;

(b) Overview of vessel transfer and spill containment systems including, but not limited to: Manifolds, valving, scuppers, and overfill alarm systems;

(c) Operating procedures and checklists specific to trainee's job function;

(d) Preventative maintenance procedures;

(e) Awareness of oil spill impacts;

(f) Major components of facility's operations manual;

(g) Major components of the facility's response plan;

(h) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;

(i) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(j) Routine and emergency communications procedures;

(k) Overview of applicable oil spill response laws and regulations; and

(l) Drug and alcohol use awareness.

(9) Training topics identified in this section, do not prescribe fixed subject titles for class outlines or training organization. Class 2 facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the oil transfer training program.

(10) Key supervisory and operations personnel must also attend a certified twenty-four-hour HAZWOPER training session.

(11) Continuing education training: The Class 2 facility must have continuing education requirements for key supervisory and operations personnel. Ongoing training must occur at least annually, and at a minimum address:

(a) Review and analyze oil spills for causal factors which have occurred during the past year including lessons learned;

(b) Refresher eight-hour HAZWOPER training session;

(c) Refresher training on emergency spill prevention procedures; and

(d) Refresher training on spill cleanup and recovery operations.

(12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's oil transfer training requirements if:

(a) The facility has documented that those personnel have received the required training in the past; or

(b) The facility provides documentation demonstrating how those personnel meet the requirements of this section.

(13) Class 2 facilities must provide follow-up training after any spill to all key supervisory and operations personnel. The training must address the causes of the spill and must be incorporated into the continuing education training program.

(14) Contractors hired by the facility to perform key supervisory and operations functions, as identified by the facility under subsection (6) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same

oil transfer training requirements as facility employees. The facility is responsible to validate contractors have met the facility's oil transfer training requirements before they perform a key supervisory and operations functions.

(15) Class 2 facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

(16) Facilities must develop and maintain written oil transfer training materials, such as training manuals or checklists.

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NEW SECTION

WAC 173-180-535 Class 2 facility--Certification program. (1) Each Class 2 facility must develop and implement a certification program to certify key supervisory and operations personnel identified pursuant to WAC 173-180-530 to ensure they are competent to perform oil transfer duties.

(2) The certification program must be designed, to the maximum extent practicable, to ensure job competency for oil transfer operations.

(3) Certification programs must be approved by ecology pursuant to WAC 173-180-545.

(4) Certification programs must contain the minimum requirements in WAC 173-180-550.

[]

NEW SECTION

WAC 173-180-540 Class 2 facility--Certification of personnel.

(1) A Class 2 facility can only certify personnel under this program who:

(a) Are in key supervisory or operations positions at the facility;

(b) Have met the facility's oil transfer training requirements tied to the individual's position, (WAC 173-180-530); and

(c) Have passed a competency evaluation (WAC 173-180-550).

(2) Initial certification:

(a) For all Class 2 facilities operating on or before the effective date of this chapter:

(i) The facility must develop or modify their training and certification program to meet the requirements in this chapter and implement the program within ninety days of the effective date of this chapter.

(ii) Within ninety days from the effective date of this chapter, the Class 2 facility must have all key supervisory and operations personnel trained and certified in the program developed under this chapter.

(b) For all Class 2 facilities that begin operating after the effective date of this chapter:

(i) The facility must develop and implement their training and certification program before the first oil transfer operation.

(ii) Within ninety calendar days before the first oil transfer operation the Class 2 facility must train and certify all key supervisory and operations personnel.

(c) All new facility employees with oil transfer duties must be trained and certified within ninety days from date of hire.

(3) Recertification. Recertification of personnel must occur at least once every three years. To be recertified personnel must:

(a) Successfully complete the facility's continuing education requirements; and

(b) Repass the facility's competency evaluation (WAC 173-180-550).

[]

NEW SECTION

WAC 173-180-545 Class 2 facility--Program approval. (1) Ecology must approve all training and certification programs.

(2) Class 2 facilities operating on the effective date of this chapter:

(a) Must develop or modify their training and certification

program to meet the requirements in this chapter and implement the program within ninety calendar days of the effective date of this chapter.

(b) Must train and certify all key supervisory and operations personnel under the facility's training and certification program within ninety calendar days from the effective date of this chapter.

(3) Class 2 facilities that begin conducting oil transfer operations after the effective date of this chapter:

(a) Must develop and implement their training and certification program within ninety days prior to the first oil transfer operation.

(b) Must train and certify all key supervisory and operations personnel within ninety days after the first oil transfer operation.

(4) To receive approval ecology will conduct an on-site evaluation of the facility's training materials, testing and certification records, and consult with personnel.

(5) Ecology will notify Class 2 facilities regarding approval status within thirty calendar days from completing the evaluation under subsection (4) of this section.

(6) Class 2 facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program. Ecology may grant an extension at ecology's discretion.

(7) For those personnel trained or certified after the deadlines established in subsections (2) and (3) of this section but before ecology approval, retraining or recertification can be postponed until the next retraining or recertification cycle as established by the facility.

(8) Training and certification program approval is valid for five years.

The facility must document changes to the facility's program and make the documentation available to ecology upon request.

(9) Ecology may perform announced and unannounced inspections at facilities to verify compliance.

(10) When evaluating programs for Class 2 facilities, ecology must consider the following at a minimum:

(a) The requirements in WAC 173-180-530 and 173-180-550;

(b) The volume and type of oil(s) handled by the facility, and frequency of oil-handling operations;

(c) Number of facility personnel;

(d) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators; and

(e) Inspection reports.

(11) If approved, ecology will send a certificate of approval to the Class 2 facility. The certificate will include the terms of approval, including expiration dates pursuant to subsection (6) of this section.

(12) Ecology may conditionally approve a training and certification program by requiring a Class 2 facility owner or

operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.

(13) A Class 2 facility must have thirty calendar days after ecology gives notification of conditional status to make the required changes, with the option for an extension at ecology's discretion. Facilities which fail to meet conditional requirements or make required changes in the time allowed must lose conditional approval status.

(14) If approval is denied or revoked, ecology must send the Class 2 facility owner or operator an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in chapter 90.56 RCW.

(15) Approval of a training and certification program by ecology does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law.

(16) Ecology may review the facility's training and certification program following any spill, inspection, or drill at the Class 2 facility.

[]

NEW SECTION

WAC 173-180-550 Class 2 facility--Minimum requirements for a certification program. The Class 2 facility certification program must have, at a minimum the following contents:

(1) Documentation of a training program developed to meet the requirements in this chapter.

(2) Written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to evaluate and confirm job competency for key supervisory and operations personnel that must incorporate methods to evaluate and confirm job competency, including:

(i) Written examinations, or oral examinations documented in writing, which test general knowledge about training topics identified under WAC 173-180-530, with an appropriate passing score established by the facility;

(ii) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(A) Observation of performance of each oil-handling, transfer,

storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(B) Practice exercises involving procedures to prevent a spill during abnormal operations events;

(c) The Class 2 facility must maintain written records for key supervisory and operations personnel, which have met the facility's certification requirements. These records must document:

(i) The certified individual's name and position;

(ii) Types and hours of training completed;

(iii) Name of training course and signature of the trainer upon completion of the course;

(iv) Results of performance tests and evaluations; and

(v) Copy of certificate demonstrating the individual is certified;

(d) The process to issue and track certificates confirming certification.

All certified personnel must carry a proof of certification during oil transfer operations;

(e) Company policies regarding how the facility will manage key supervisory or operations personnel who lose or lack certification.

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PART F: PREVENTION PLANS FOR CLASS 1 FACILITIES

NEW SECTION

WAC 173-180-600 Applicability of Part F. Part F only applies to Class 1 Facilities. Ecology has not adopted prevention plan requirements for Class 2, 3, or 4 facilities.

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NEW SECTION

WAC 173-180-610 Plan preparation. (1) Each onshore and offshore facility must prepare a plan for prevention of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from oil spills.

(2) Plans must be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(3) Spill prevention countermeasure and control plans, operation manuals, and other prevention documents which meet federal requirements under 33 CFR 154, 33 CFR 156, 40 CFR 109, 40 CFR 112, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if ecology deems that such federal requirements equal or exceed those of ecology, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(4) Plans which meet requirements of other states may be submitted to satisfy plan requirements under this chapter if ecology deems that such state requirements equal or exceed those of ecology, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(5) Prevention plans may be combined with contingency plans required by chapter 173-182 WAC.

(6) Plans, when implemented, must be designed to be capable of providing the best achievable protection from damages caused by the discharge of oil into the waters of the state. At a minimum, plans must meet the criteria specified in this chapter.

[]

NEW SECTION

WAC 173-180-620 Plan format requirements. (1) Plans must be organized in a format which provides easy access to prevention information. Plans must be divided into a system of chapters and sections. Chapters and sections must be numbered and identified

with a system of index tabs.

(2) Plans must be formatted to allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire plan.

(3) If combined with a contingency plan, the prevention plan must be clearly separated from contingency plan elements.

(4) Prevention plan content requirements specified in WAC 173-180-630 are presented in suggested but not requisite order.

(5) Computerized plans, in addition to a hard copy, may be submitted to ecology.

[]

NEW SECTION

WAC 173-180-630 Plan content requirements. (1) Each plan must contain a submittal agreement which:

(a) Includes the name, address, and phone number of submitting party;

(b) Verifies acceptance of the plan by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns or operates the facility;

(c) Commits the owner or operator of the facility to execution of the plan, and verifies that the plan holder is authorized to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan must include a log sheet to record amendments to the plan. The log sheet must be placed at the front of the plan. The log sheet must provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that ecology was notified of the amendment pursuant to WAC 173-180-670, and the initials of the individual making the change. A description of the amendment and its purpose must also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan must include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan must describe its purpose and scope, including,

but not limited to:

(a) The onshore facility or offshore facility operations covered by the plan;

(b) The relationship of the prevention plan to other oil spill plans and operation manuals held by the facility;

(c) The relationship of the plan to all applicable local, state, regional, tribal, and federal government prevention plans, including the Washington statewide master oil and hazardous substance spill contingency plan; and

(d) Information required under facility oil spill contingency plan standards in chapter 173-182 WAC; spill prevention, countermeasure, and control plan standards in 40 CFR 112.4(a); or facility operations manual standards in 33 CFR 154.310(1-4) may be used to address (a) of this subsection.

(5) Each plan must describe the procedures and time periods for updating the plan and distributing the plan and updates to appropriate parties.

(6) Each plan must establish that the facility is in compliance with the Federal Oil Pollution Act of 1990. Within thirty calendar days after federal deadlines for facility requirements under that act, the plan must be updated to include any applicable evidence of compliance.

(7) Within thirty calendar days after evidence of financial responsibility is required by rules adopted by ecology pursuant to chapter 88.46 RCW, the plan must be updated to include any applicable evidence of compliance.

(8) Each plan must describe the types and frequency of spill prevention training provided to personnel.

(9) Each plan must provide evidence that the facility has an approved oil spill contingency plan or has submitted a contingency plan to ecology in accordance with standards and deadlines established by chapter 173-182 WAC.

(10) Each plan must address the facility's alcohol and drug use awareness and treatment program for all facility personnel.

(a) The plan must include at a minimum:

(i) Documentation of an alcohol and drug awareness program. The awareness program must provide training and information materials to all employees on recognition of alcohol and drug abuse; treatment opportunities, including opportunities under the Alcohol and Drug Addiction Treatment and Support Act pursuant to chapter 388-800 WAC; and applicable company policies;

(ii) A description of the facility's existing drug and alcohol treatment programs; and

(iii) A description of existing provisions for the screening of supervisory and key employees for alcohol and drug abuse and related work impairment.

(b) Evidence of conformance with applicable federal "Drug-Free Workplace" guidelines or other federal or state requirements may be used to address (a) of this subsection.

(11) Each plan must describe the facility's existing maintenance and inspection program.

(a) The description must summarize:

(i) Frequency and type of all regularly scheduled inspection and preventive maintenance procedures for tanks; pipelines; other key storage, transfer, or production equipment, including associated pumps, valves, and flanges; and overpressure safety devices and other spill prevention equipment;

(ii) Integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure, and duration of pressurization); means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product;

(iii) External and internal corrosion detection and repair;

(iv) Damage criteria for equipment repair or replacement; and

(v) Any other aspect of the maintenance and inspection program.

(b) The plan must include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment.

(c) Documentation required under 40 CFR 112.7(e) or 33 CFR 154 Subparts C and D may be used to address elements of this subsection.

(d) Existing copies of the facility's maintenance and inspection records for the five-year period prior to plan submittal must be maintained and must be available for inspection if requested by ecology. The plan must document the use of a system to maintain such records over a five-year period for subsequent activity.

(12) Each plan must describe spill prevention technology currently installed and in use, including:

(a) Tank and pipeline materials and design;

(b) Storage tank overflow alarms, low level alarms; tank overflow cut-off switches; automatic transfer shutdown systems; methods to alert operators; system accuracy; and tank fill margin remaining at time of alarm activation in terms of vertical distance, quantity of liquid, and time before overflow would occur at maximum pumping rate; documentation required under 40 CFR 112.7(e)(2)(viii) or 33 CFR 154.310(a)(12-13) may be used to address some or all of these elements;

(c) Leak detection systems for both active and nonactive pipeline conditions, including detection thresholds in terms of duration and percentage of pipeline flow; limitations on system performance due to normal pipeline events; and procedures for operator response to leak alarms;

(d) Documentation required under 40 CFR 112.7(e)(3) may be used to address some or all of these elements;

(e) Rapid pump and valve shutdown procedures, including means of ensuring that surge and over-pressure conditions do not occur; rates of valve closure; sequence and time duration (average and maximum) for entire procedure; automatic and remote control capabilities; and displays of system status for operator use;

(f) Documentation required under 40 CFR 112.7(e)(3) may be used to address some or all of these elements;

(g) Methods to minimize post-shutdown residual drain-out from

pipes, including criteria for locating valves; identification of all valves (including types and means of operation) that may be open during a transfer process; and any other techniques for reducing drain-out;

(h) Means of relieving pressure due to thermal expansion of liquid in pipes during quiescent periods;

(i) Secondary containment, including capacity, permeability, and material design;

(j) Documentation required under 40 CFR 112.7(e)(1) and (2)(iii-iv) may be used to address some or all of these elements;

(k) Internal and external corrosion control coatings and monitoring;

(l) Storm water and other drainage retention, treatment, and discharge systems, including maximum storage capacities and identification of any applicable discharge permits;

(m) Documentation required under 40 CFR 112.7(e)(1) and (2)(iii and ix) may be used to address some or all of these elements; and

(n) Criteria for suspension of operations while leak detection or other spill control systems are inoperative.

(13) Each plan must describe measures taken to ensure facility site security, including:

(a) Procedures to control and monitor facility access;

(b) Facility lighting (documentation required under 33 CFR 154.570 may be used to address some or all of this element);

(c) Signage; and

(d) Right of way identification or other measures to prevent third-party damage (documentation required under 40 CFR 112.7(e)(3)(v) and (9) may be used to address some or all of this element).

(14) Each plan must list any discharges of oil in excess of twenty-five barrels (one thousand fifty gallons) to the land or waters of the state which occurred during the five-year period prior to the plan submittal date. For each discharge, the plan must describe:

(a) Quantity;

(b) Type of oil;

(c) Geographic location;

(d) Analysis of cause, including source(s) of discharged oil and contributing factors (e.g., third party human error, adverse weather, etc.); and

(e) Measures taken to remedy the cause and prevent a reoccurrence.

The period between July 1, 1987, and January 1, 1993, the facility must provide existing information regarding (a) through (e) of this subsection for such discharges, and must document the use of a system to record complete information for subsequent discharges.

(15) Each plan must include a detailed and comprehensive analysis of facility spill risks based on the information required in subsections (11) through (14) of this section, and other relevant information.

(a) The risk analysis must:

(i) Evaluate the construction, age, corrosion, inspection and maintenance, operation, and oil spill risk of the transfer, production, and storage systems in the facility, including piping, tanks, pumps, valves, and associated equipment;

(ii) Evaluate spill minimization and containment systems within the facility;

(iii) Be prepared under the supervision of (and bear the seal of) a licensed professional engineer or another individual which ecology has deemed to have an acceptable level of expertise.

(b) Documentation required under 40 CFR 112.7(b) and (e) may be used to address some or all of the elements of this subsection.

(16) Each plan must describe how the facility will incorporate those measures that will provide best achievable protection to address the spill risks identified in the risk analysis required in subsection (15) of this section.

Information documented pursuant to 40 CFR 112.7(e) and 33 CFR 154.310(a)(1-4) may be used to address some or all of these elements of this subsection.

(17) If the prevention plan is combined with a contingency plan, the prevention plan may incorporate information required in this section by reference if that information is provided in the contingency plan.

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NEW SECTION

WAC 173-180-640 Plan submittal. (1) Any onshore or offshore facility that first begins operating after the deadlines stated in this subsection must submit a plan to ecology at least sixty-five calendar days prior to the beginning of operations.

(2) Three copies of the plan and appendices must be delivered to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Prevention Plan Review
P.O. Box 47600
Olympia, WA 98504-7600
Or
The Department of Ecology
Spill Prevention, Preparedness, and Response Program
300 Desmond Drive

Lacey, WA 98503

(3) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

(b) A primary response contractor approved by ecology pursuant to chapter 173-182 WAC in conformance with signature requirements under WAC 173-180-630(1).

(4) A single plan may be submitted for more than one facility, provided that the plan meets the requirements in this chapter for each facility listed.

(5) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[]

NEW SECTION

WAC 173-180-650 Plan review. (1) Ecology must endeavor to review each plan in sixty-five calendar days. If the plan is submitted in conjunction with a contingency plan required under chapter 173-182 WAC, ecology may extend the prevention plan review period an additional sixty-five calendar days. Upon receipt of a plan, ecology must evaluate promptly whether the plan is incomplete. If ecology determines that a plan is incomplete, the submitter must be notified of deficiencies. The review period will not begin until ecology receives a complete plan.

(2) Ecology must regularly notify interested parties of any prevention plans, which are under review by ecology, and make plans available for review by all ecology programs, other state, local, tribal, and federal agencies, and the public. Ecology must accept comments on the plan from any interested party during the first thirty calendar days of review by ecology.

(3) A plan must be approved if, in addition to meeting criteria in WAC 173-180-530, it demonstrates that when implemented, it can:

(a) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;

(b) Minimize the likelihood that facility oil spills will occur;

(c) Minimize the size and impacts of those facility oil spills which do occur; and

(d) After the adoption of facility operation standards by rule by ecology pursuant to RCW 90.56.220:

(i) Provide for compliance with prevention standards and

deadlines established by facility operations standards adopted by rule by ecology pursuant to RCW 90.56.220; and

(ii) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180-630, for those risk factors not addressed by facility operations standards adopted by rule by ecology pursuant to RCW 90.56.220.

(4) When reviewing plans, ecology must, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(c) Inspection reports;

(d) The presence of hazards unique to the facility, such as seismic activity or production processes;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.

(5) Ecology may approve a plan based upon an expedited review pursuant to criteria set out in this chapter, if that plan has been approved by a federal agency or other state which ecology has deemed to apply approval criteria which equal or exceed those of ecology.

(6) Ecology must endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator must receive a certificate of approval describing the terms of approval, including an expiration date.

(b) Ecology may conditionally approve a plan by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A plan holder must have thirty calendar days after ecology gives notification of conditional status to submit to ecology and implement required changes, with the option for an extension at ecology's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(c) If plan approval is denied or revoked, the facility owner or operator must receive an explanation of the factors for disapproval and a list of deficiencies. The facility must not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) Ecology's decisions under this chapter are reviewable in

superior court.

(e) If a plan holder demonstrates an inability to comply with an approved prevention plan or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by ecology does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(7) Ecology must prepare a manual to aid ecology staff responsible for plan review. This manual must be made available to plan preparers. While the manual will be used as a tool to conduct review of a plan, ecology will not be bound by the contents of the manual.

(8) Ecology must work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of prevention plans from marine facilities.

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NEW SECTION

WAC 173-180-660 Plan maintenance and use. (1) Each facility covered by the plan must conspicuously locate copies of the plan within the facility to ensure that a copy of the plan is immediately accessible to all facility personnel involved in supervising or implementing oil handling operations.

(2) Facilities must ensure that all employees involved in oil transfer, production, or storage operations are familiar with the plan provisions through regular training. Orientation materials for new employees involved in oil transfer, production, or storage operations must contain a copy of the plan.

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NEW SECTION

WAC 173-180-670 Plan update timeline. (1) Ecology must be notified in writing as soon as possible and prior to completion of any significant change which could affect the plan. If the change will reduce the facility's ability to implement the plan, the plan holder must also provide a schedule for the return of the plan to full implementation capability.

(a) A significant change includes, but is not limited to:

(i) A change in the owner or operator of the facility;

(ii) A change in the types of oil handled at the facility;

(iii) A five percent or greater change in the facility's oil handling capacity;

(iv) Noncompliance with the Federal Oil Pollution Act of 1990;

(v) Noncompliance with state financial responsibility requirements developed under chapter 88.40 RCW; and

(vi) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility equipment, operations, personnel procedures, or any other change, including compliance with amended or new rules adopted by ecology, which substantially affects the level of risk described pursuant to WAC 173-180-630.

(b) Changes which are not considered significant include, but are not limited to, minor variations (less than five percent) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

(c) The facility must update the plan's list of discharges, as required by WAC 173-180-630, within thirty calendar days after an oil discharge by the facility in excess of twenty-five barrels (one thousand fifty gallons).

(d) A facsimile will be considered written notice for the purposes of this subsection.

(e) Failure to notify ecology of significant changes must be considered noncompliance with this chapter and subject to enforcement provisions of chapter 90.56 RCW.

(2) If ecology finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-180-650, ecology may, at its discretion, place conditions on approval or revoke approval in accordance with WAC 173-180-650. Ecology may also require the plan holder to amend its plan to incorporate the change.

(3) Within thirty calendar days of making a change to the prevention plan, the facility owner or operator must distribute the amended page(s) of the plan to ecology and other plan holders.

(4) Plans must be reviewed by ecology at least every five years pursuant to WAC 173-180-650. Plans must be submitted for

reapproval unless the plan holder submits a letter requesting that ecology review the plan already in ecology's possession. The plan holder must submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) Ecology may review a plan following any spill at the facility.

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PART G: OIL TRANSFER RESPONSE PLANS

NEW SECTION

WAC 173-180-700 Applicability of Part G. Part G applies to Class 1 and 2 facilities. Ecology has not adopted oil transfer response plan requirements for Class 3 and 4 facilities.

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NEW SECTION

WAC 173-180-710 Class 1 facility--Contingency plans. Class 1 facilities must have an approved contingency plan as required in chapter 173-182 WAC contingency plan, drill program, and response contractor standards.

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NEW SECTION

WAC 173-180-720 Class 2 facility--Oil transfer response plans. Class 2 facilities must have an approved oil transfer response plan (response plan) as required in Part G of this chapter.

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NEW SECTION

WAC 173-180-730 Class 2 facility--Contents of the oil transfer response plan (response plan). (1) All Class 2 facilities that transfer oil to a nonrecreational vessel must prepare and submit to ecology an oil transfer response plan (response plan) that meets the requirements of 33 CFR Part 154, Subpart F.

(2) In addition to the requirements in subsection (1) of this section, all Class 2 facilities response plans must include all of the following:

(a) A description of how the Class 2 facility meets the requirements in WAC 173-180-220;

(b) The spill response contractor the facility lists in the response plan must also be a state approved primary response contractor under WAC 173-182-800;

(c) A statement that the facility will participate in unannounced drills as described in Part H of this chapter;

(d) A description of how the facility will meet the training exercise program in 33 CFR 154.1050 and 154.1055 as well as the drill requirements in WAC 173-180-810; and

(e) A form the Class 2 facility must use to provide initial and follow-up spill notification as required in 33 CFR 154.1035 and includes notification information for state agencies as required in RCW 90.56.280.

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NEW SECTION

WAC 173-180-740 Class 2 facility--Response plan submittal. (1) For a Class 2 facility that begins operations after the effective date of this chapter, the Class 2 facility must submit a response plan at least ninety days prior to conducting the first oil transfer operation to a nonrecreational vessel for that facility.

(2) For a Class 2 facility operating on the effective date of this chapter, must submit the response plan at least ninety days of the effective date of this chapter.

(3) The Class 2 facility owner or operator must deliver two paper copies and one electronic copy of the response plan to:

The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Response Plan Review
P.O. Box 47600
Olympia, WA 98504-7600
Or
The Department of Ecology
Spill Prevention, Preparedness, and Response Program
Response Plan Review
300 Desmond Drive
Lacey, WA 98503

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NEW SECTION

WAC 173-180-750 Class 2 facility--Response plan review and approval. (1) Upon receipt of the complete response plan ecology must review the response plan and then ecology will notify the Class 2 facility if ecology:

(a) Approved the response plan.

(b) Found deficiencies in the response plan.

(2) If ecology approves a response plan, ecology will send a letter indicating approval and will include an expiration date for the response plan.

(3) If ecology finds deficiencies in the response plan, ecology may grant conditional approval of a response plan by requiring the facility to operate with specific precautionary measures until the facility submits acceptable provisions of the response plan and ecology approves the response plan.

(4) If ecology grants conditional approval, ecology will:

(a) Send notice to the facility describing the deficiencies;

(b) Provide the facility with a due date by which the facility must address the deficiencies; and

(c) Provide precautionary measures the facility must implement until ecology grants full approval of the response plan.

(5) If a facility receives conditional approval, the Class 2 facility must submit and implement required changes to ecology within the due date, with the option for an extension at ecology's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(6) Upon receiving the information required by conditional approval, ecology will complete the review.

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NEW SECTION

WAC 173-180-760 Class 2 facility--Response plan update and timeline. (1) The facility is required to keep the response plan up-to-date with accurate information.

(2) Whenever changes are made to the response plan, two paper copies and one electronic of the changed sections must be submitted to ecology to be placed in the facility's plan on file at ecology.

(3) Ecology must review the facility's oil transfer response plan every five years.

(a) The facility must submit two paper copies or one electronic copy of the response plan for reapproval; or

(b) The facility may submit a letter to ask ecology to review the response plan that is currently on file at the agency.

(4) The facility must submit the response plan or letter at least ninety calendar days in advance of the expiration date of the response plan.

(5) Ecology may review and request changes to your response plan following any oil spill, inspection, or drill.

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NEW SECTION

WAC 173-180-770 Class 2 facility--Response plan maintenance and use. The Class 2 facility must keep the response plan at each transfer location as well as the primary place of business.

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PART H: DRILL PROGRAM

NEW SECTION

WAC 173-180-800 Applicability of Part H. (1) Part H applies to Class 2 facilities only.

(2) Drill requirements for Class 1 facilities are in chapter 173-182 WAC.

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NEW SECTION

WAC 173-180-810 Type and frequency of unannounced drills. In addition to the National Preparedness for Response Exercise Program, ecology may conduct the following unannounced drills at Class 2 facilities:

Type of Drill	Drill Expectations and Duration
Deployment drills	These drills may involve testing whether or not the facility can deploy personnel, boom, recovery, and storage equipment as described in WAC 173-180-215.
Notification and emergency shutdown procedure drills	These drills may involve testing the facility's ability to follow the notification in the response plan and emergency shutdown procedures described in the operations manual.

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NEW SECTION

WAC 173-180-820 Unannounced drills for Class 2 facilities. (1) Ecology will evaluate these drills.

(2) At the start of the unannounced drill, ecology will notify the Class 2 facility of the drill objectives, expectations and scenario.

(3) The Class 2 facility may request to be excused from an unannounced deployment drill if conducting the drill poses an unreasonable safety or environmental risk, or significant economic hardship. If ecology approves the request, ecology will call the drill on another date.

(4) Ecology will provide the facility with a drill evaluation. If deficiencies are found during the drill, ecology may require a redrill after the facility corrects the deficiencies.

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